

firi hanū. þa skal firi ganga mað. tváim rylptum.  
 búia. sva sár guð holl ok uactum sinū. at frán sim  
 beria. ár sva skýlt at þer mughv eigh to mað. guð  
 rati. allar siðkapar. þa vaðar han ne vik þallað  
 eigh fast. hava þa skal han firi ganga mað. þvannū  
 tylptū. búia. sva sár guð holl ok vattum sinū. at  
 han fálta hana eigh sva sin lagh sigbia. i ladi þallu.  
**S**vear eggo konong at taka ok sva vireka. þa  
 han skal mað gili. m. ovan fara ok ái verlo  
 i oðragöt land. þa skal han sandi man sa. toll. þa  
 þing at til aldagöta þing. þa skal lagh mað. gili  
 suptr. tua sinnan af landi. ok tua uorðan af lan  
 ke. siðan skal afra fura. man af landi gura. med  
 kem. þer skulu til uina. þa. mota fara. þa gora g  
 sla skulu þing at folgia. ok vitti. þa at han á  
 sva mlandar. sin lagh þer. sigia. þa skal allra g  
 ta. þing. i gen hanū. uanna. þa han til þing. kort  
 þa skal han sit allu göt. trolehan. svaia. at han  
 skal eigh rat. lagh a landi. yaru byta. þa skal lagh  
 þa han fyrst til konung. toma. ok siðen afur þer.

Facsimile of a page of the original Law of the Westgoths.

See for translation pages 59 and 60.

*Västgötalagen*

# THE LAW OF THE WESTGOTHS

ACCORDING TO  
THE MANUSCRIPT OF ÆSKIL

LAWMAN OF VÄSTERGÖTLAND, SWEDEN, 1200 A. D.

---

WITH AN INTRODUCTION AND EXPLANATORY NOTES,  
DONE INTO ENGLISH

BY

ALFRED BERGIN,

B. D., A. M., PH. D.



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## INTRODUCTION.

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**Early Sweden and its inhabitants.** — The territory inhabited by the early Swedes was but a part of what is now known as the country of Sweden. The Lapps and Finns lived in the northern districts, and occupied a large portion of what is now called Norrland. The Norwegians held considerable territory in the west and northwest, and the extreme southern part was inhabited by the Danes.

It is not definitely known, when Sweden was first inhabited by the Swedes, only so much is certain, that it must have occurred very early, and that the earliest settlements evidently were made around the large lakes in the southern central part of the country.

It has formerly been held, that several successive large immigrations into Sweden have taken place, and that thus the people inhabiting the country during each of the successive ages, the Stone age, the Bronze age and the Iron age, was a distinct people with a peculiar form of civilization, each in turn conquering its predecessor and occupying the country. This theory is no longer adhered to, since later investigations have conclusively proven, that the same race of people has occupied the country throughout all these ages and developed one form of civilization after the other, and that consequently the same people, mainly, which occupies Sweden of to-day, has lived there since time immemorial.

The early inhabitants of Sweden were in the main one people, speaking the same language, and having the same religion and the same historical traditions. Some differences existed, however, with reference to social order and government. In this they were divided. No national government existed at first. The country was divided into what we may call states — *landskap* —, each state having its own government and managing its own affairs. Two of these states gradually extended their dominion over neighboring states and settlements until they became the two leading states. In time one of these states — Upland — with its tributaries gained ascendancy over the other — Västergötland and its neighboring states — in so far, that the king of the former was chosen king also of the latter. Later kings were chosen from Västergötland. The power of the king was at first only nominal, especially in



Västergötland; but the union of these peoples under one ruler nevertheless paved the way for the establishment of a national government in the proper sense, after which the various state laws — *landskapslagar* — gave way to a national law — *landslag*. The first law of this kind — Magnus Ericksons *landslag* — was promulgated about 1350 A. D.

The inhabitants of these two main divisions of the country were the *Svear* and the *Gautar*.

The *Svear* dwelt in the states of Upland, Västmanland, Södermanland, Nerike and Hälsingland, which together was called *Svealand*: The land of the Swedes. They seem to have been the leading race, and tradition accords to them the honor of having established and most faithfully maintained the *Asa* worship in Sweden, and finally they gave their name to the whole country and its people. Their center of government and religion was Upsala, the most famous of early Scandinavian cities, and renowned especially for its elaborate heathen worship and its magnificent temple, the most glorious in the North.

The *Gautar* inhabited Västergötland, Östergötland and Småland, together called *Götaland*: the land of the Goths (which now embraces all of southern Sweden.) The *Gautar*, no doubt, settled in Västergötland originally, and from there spread over the neighboring country. While they were somewhat inferior to the *Svear* in number and political influence, they were perhaps ahead of them in perfecting their local governments and establishing law and order within their territory. And while the *Svear* had the honor of standing closest to the heathen worship, the *Gautar* must be given credit for having accepted christianity more readily and doing more for its establishment in the country.

The early Swedes were a strong, hardy race with powerful minds and vigorous bodies, masters over their environment in life and heroic in death.

The men were well built, light complexioned as a rule, and wore long beards. They were stern and daring, faithful as friends but terrible as enemies. They were hospitable and generous, quick to appreciate and return a favor, and equally quick to avenge a wrong or resent an insult. Blood avengement played an important part in their life and history. Their occupation was farming, herding, hunting and fishing. A great number spent their life on the sea, either as vikings, ravaging foreign shores, or as merchants and traders.

The women were of slender build, well formed and usually light complexioned. They were brave, proud, and of a cool temperament, but also sensitive, loving, and faithful. Like the men, they were brave and fearless, and though their sphere of usefulness lay principally within the home, quite a number of them shared with the men the hardships of warfare and battle.

**Civilizations, social and political conditions.** — The Swedes early developed a civilization, which in many respects was superior to that of any other pagan people; and their religion, though essentially nature and heroworship, was morally purer and conceptionally grander, than that of the Greeks or Romans. A few excerpts from the law, of which a translation is herewith presented, may not be out of place in this connection, as they throw considerable light upon the political, social, and religious conditions existing in Sweden, particularly in Västergötland, at the time when that law prevailed.

Marriage was viewed more as a union between two tribes than two individuals. The father or *giptarmapær* — i. e. marriage contractor — had absolute control over the unmarried woman. Often the bride had never met the groom before the weddingday, but they had learned to know each other through other parties, and the bride was usually not given away without her consent. A man asks himself a wife (G. B. 2) and begins his asking through a near relative of the woman sought (G. B. 2.) After the consent of the parties has been gained (G. B. 2) the contract is made (G. B. 2) and the presents given (G. B. 2). Bethrotal always preceded the wedding, and the wedding feast lasted several days. The wife was by no means her husband's slave, but his free equal. She superintended the work in the house, he outside. She even hired servants and bought slaves without his knowledge, and, when he travelled abroad, she had charge of the estate. A married woman may own property in her own name (Æ. B. 16) and when the husband was dead she became the guardian of the children (Æ. B. 4). Divorce was allowed, when the wife had been convicted of adultery (G. B. 5) or when the parties married were near relatives (G. B. 7).

Illegitimate children inherit the mother only (Æ. B. 8). Property could not be given away on the deathbed (Æ. B. 10).

Great stress was laid upon a freeborn man's personal liberty and security — *manhelgi*. No one could infringe upon a free man's rights without incurring punishment (B. B. 1; Md. 3: 4). The freeholder was king and priest in his own house. From his rank the lawman of the state, as well as in later times, the bishop was chosen (R. B. 3; R. B. 2). He had the right to appear, and had a voice at the Thing of all Goths — the supreme court of the state — presided over by the lawman. At this thing laws were adopted and revised, people adopted into families, reconciliations made, etc., (R. B. 3). The freeholder paid his tithe to the church, and furnished provisions for the king and his bailiff, or the bishop, when they chanced to travel through the country, but otherwise he was subject to no one. (Br; R. B. 1).

The power of the king was exceedingly limited. There is no allusion, that he could levy any taxes, and he had no income, except what he derived from the estates belonging to the Crown. In Västergötland he had no power, except that which was delegated to him by the Thing of all Goths. He was not accepted as king until he had presented valid credentials, and by solemn oath sworn to obey the laws of the state (R. B. 1). Remarkable indeed, as revealing the democratic spirit of this people, is the statement with reference to differences of opinion within the parish, that "the majority shall rule" (Kk. B. 11).

From the significance given to the oath in cases at law, we may draw the conclusion, that the people were honest in the highest degree, and nowhere is the possibility of perjury even hinted at.

Justice was carefully administered. No one was punished untried. (L. R.) The penalty was in many cases severe, but seldom inhuman, and even in some cases the condemned was given a chance to leave the community and the country (B. B. 8; Md. 14). The life of a foreigner was valued lower than the life of a citizen (Md. 5). A foreigner in the language of the law was everyone, who was not a citizen of that particular state, where the law prevailed. A foreign priest, however, enjoyed the same rights and privileges as a freeholder of the state. (Md. 5: 5).

Interstate and international questions were solved in the following manner: "such laws as others make for us, we will make for them". (D. B. 12: 2).

Many laws and ordinances supposed to be the fruit of a later age were found in some form in the old Swedish laws.

There were game and fish laws (F. B. 7; M. 1.), laws concerning forest protection (F. B. 8). No expensive dairy and food commission existed, but the same ends for which these exist were accomplished by much simpler means. (F. B. 5). Trade and commerce were lawful pursuits (Æ. B. 19), but piracy was denounced (O. 10).

The practice of exposing children existed, but was not often resorted to. The father or nearest relative had the right to determine, whether a newborn child should be exposed or not. If the father favored the child, water was poured on its head and a name given to it. This rite, so similar to baptism, was called "vattenösnung." The mother first cared for the child. After it had left the mother, it was either brought up at home, or very frequently sent to be reared in some other family. The boys enjoyed such sport as tug-of-war, racing, skating etc. They were early taught to handle weapons of war, and even allowed to participate in marauding expeditions. The girls were early

taught sewing, knitting, spinning, weaving, etc. When grown up, they could associate with the men quite freely, and at festivals even drink mead in their presence.

Slaves were the property of their master. They were in many instances bought in foreign countries or taken as prisoners of war. Afterwards they were increased in a natural way by intermarriage among the slaves. They were often liberated and could even by adoption be admitted into a freeborn man's family and tribe. One freeholder is known to have had as many as eighty freedmen.

**Introduction of Christianity.** — On their seafaring expeditions the Vikings had come in contact with christianity, and many returned home adherents of the gospel of Christ. The christians in southern Europe also learned of the home of these terrible searovers, and began to think of christianizing the Scandinavian countries.

A new day dawned in the North, when St. Ansgar, a French monk, wended his way across the Belts, and through the woods of southern Sweden to bring to its warlike inhabitants "the glad tidings of great joy." He arrived at Birka, near Mälaren, 829 A. D. Here he preached one year and a half with success. A chief named Hergeir was converted, and on his land the first church building in Sweden was erected. Next to Ansgar came an English monk, St. Sigfrid by name. He preached in Småland and especially in Västergötland, where Christianity was quite generally accepted ca. 1000 A. D. In the year 1007 he was allowed to baptize the king, Olof Skötkonung. The Svear, however, were loth to let go their faith in Odin etc. It was not till in 1082, that the victory of Inge the elder over Blot-Sven forced them to accept christianity. Slowly the heathen temple was supplanted by the Christian church, and the people abandoned their old gods for "hvite Krist." But although they had accepted the teachings of christianity, some of their old habits and practices were not forgotten for centuries, several even having remained, though in a somewhat changed form, to this day.

**Language and Literature.** — The Swedish language is a branch of the old Norse language, which in turn belongs to the Germanic group of the Indo-European family of languages. Up to the year 800 A. D. the same language was spoken in all the Scandinavian countries. It was the Old Norse. A few old inscriptions dating back even to the fourth century A. D. give us a vague idea of what this language was. At about 800 A. D. the different languages of Scandinavia began to deviate from the old Norse more or less, and from that time they are spoken of as distinct languages.

The literature of the early Swedish language is scanty, consisting of runic inscriptions, many of which are short and contain but little information. The largest and in many ways the most important inscription is that on "Rökstenen" in Östergötland, Sweden. It dates from the beginning of the tenth century, and is the lengthiest inscription found. Parts of it are in prose and parts in poetic form, showing, that already at this time there must have been quite a literature in Sweden.

Runic inscriptions are found in great numbers in Sweden. No other country has so many. They are most numerous in the states lying near the great lakes in the center, where civilization was first developed. This period in Swedish language and literature is called the Runic period, which lasted until about 1200 A. D.

So long as the literature had to be written in runic characters, which were, it seems, as a rule cut into wood or stone, it was very difficult to put any lengthy statements into writing. Another hindrance was also the inadequacy of the runic characters to represent the different sounds. But with the introduction of the Latin alphabet into the North, literary facilities became greater and a considerable literary activity was now noticed all over the North. Old songs and traditions were put into writing, new works were added, and altogether a remarkable interest in literature prevailed. This interest reached its culmination in the twelfth and thirteenth centuries.

Thus the same period, that gave us the Icelandic Sagas and a compilation of the Eddas, works well known to the lovers of literature in the New World as well as the Old, brought forth a number of valuable works in the other Scandinavian countries also. Only a few of these have survived the ravages of time, and come down to us in a more or less mutilated condition. Most have evidently been lost. Henrik Schück tells us in his History of Swedish literature, page 25, "that the soldiers of Gustavus Vasa acted as demons of destruction in the libraries of the old cloisters. At Wadstena they destroyed 'innumerabiles libros'; and many old manuscripts of priceless value have been found pasted in the covers of the careful king's worthless documents. Even as late as 1681 A. D. the academic consistory of Upsala petitioned the chancellor of the University to be allowed to "sell old manuscripts to bookbinders and ragpeddlers at a few cents per pound."

**Old Swedish Laws.** — Of the manuscripts preserved from this period in Swedish Literature, known as the classical old Swedish period — 1200—1500 A. D. —, none are of more importance than those containing the early laws of the different states, into which the country was divided.

These laws were at first only rules evolved out of common usages, but slowly they assumed a more fixed form. By means of tradition they were carried from one generation to the other in short rhymes — *flokkr* — which were finally gathered into a continuous whole — *laghsaga*. The lawman — *laghmapær* — recited these laws publicly at the judicial assembly — *þing*.

Of all the Scandinavian countries Sweden possesses the largest and most valuable collection of lawliterature. A large number of lawbooks have been preserved more or less complete. Each bearing the peculiar mark of the state or part, where it has been compiled, but otherwise very similar as to contents. They bear the following titles:

1. *Västgötalagen*, from about 1200 A. D.

It was the law of *Västergötland*.

2. *Östgötalagen*, from 1285—1295 A. D.

It was the law of *Östergötland*.

3. *Gutalagen*, from the last part of the thirteenth century.

It was the law of the island of *Gotland*. This was the statute law of *Gotland* until 1645, and exists in several different editions. A German and a Danish manuscript of this law are copies of a redaction even prior to the one, from which the Swedish has been copied. It is one of the most valuable laws.

4. *Uplandslagen*, from 1296 was the law of *Upland*. It is a very important law, and has also a most valuable introduction. It says, that *Viger Spaa's* old laws were scattered about — *strönningium hafpus i flerum flokkum* — and were in great need of a revision. The lawman of *Tiundaland*, *Birger Person*, petitioned the king to propose some remedy.

The king was unwilling to alter the old law, but finally ordered *Birger* to select a committee to revise it. He selected the dean *Andreas And*, and ten other laymen. The work was soon accomplished, and it was sanctioned by the king in 1296. This is an evidence of the increasing power of the king. The king's code of this law is very important, as it contains the outline of the constitution of Sweden.

5. *Södermannalagen* received royal sanction 1327. It was the law of *Södermanland*. Lawman *Lars Ulfsson* is mentioned as its compiler.

6. *Västmannalagen* exists in two different copies, made for private use. The older one is from the beginning of the fourteenth century. It was the law of *Västmanland*.

7. *Dalalagen* was the law of *Dalarne*, and it is thought that this law and the oldest edition of *Västmannalagen* were the same.

8. *Hälsingelagen*, from 1320—1327. It was the law of *Hälsingland* and

Finnland. Like Västmanna- and Södermannalagen it has been influenced considerably by Uplandslagen.

9. Smålandslagen was the law of Småland. Only the church code remains. The rest has been lost.

10. Nerikelagen, the law of Nerike, and

11. Värmlandslagen, the law of Värmland, are both lost, but were quoted by Bureus in the sixteenth century.

12. Bjärkösarätten shows us the law of the city of Lödöse in Västergötland during the early middle ages. The manuscript dates from the first part of the fourteenth century.

13. Söderköpingsrätten dates from the first part of the fourteenth century. All is lost except a few excerpts found in the works of Bureus.

14. Visby stads och sjörätt is also lost.

15. Magnus Eriksons Landslag was the first attempt at a general law for the whole country. At about 1350 it was accepted in Upland and Östergötland, but in Västergötland not till 1388. By the beginning of the fifteenth century it was accepted by all the different states. On the initiative of the above named king, a general law for cities was also worked out and accepted by the close of the fourteenth century.

16. Kristoffers landslag is the name of the second general law. It received royal sanction in 1442. It took considerable time, however, before this law was able to supercede the general law of Magnus Erikson. It was not generally accepted until in the sixteenth century.

Beside the laws above mentioned there were also quite a few Gårdsrätter, Gillestadgar and Edsörelagar. Gårdsrätterna — Estate-laws — had reference to the king's personal servants and later even to the army. Gillestadgarna were bylaws for certain societies, and Edsörelagarna were sporadic attempts at general legislation for the whole country.

Dr. C. J. Schlyter has attained fame and done his country a praiseworthy service by compiling the several old laws of Sweden into one vast work of thirteen large volumes, entitled: *Sveriges Gamla Lagar*. He devoted his whole life to this work. The first volume appeared in 1827 and the last in 1877. He compared fifteen parchment manuscripts, five manuscripts on paper, and beside this nine old copies of one or the other of the above named manuscripts, together with all works before his time on this subject.

**Äldre Västgötalagen. The Elder Law of the Westgoths.** Of all the laws of Sweden, Den Äldre Västgötalagen (the elder law of the Westgoths) is the oldest. The manuscript is found in the Royal Library at Stockholm, and is



called Codex A, or membrane B: 59. No official copy — i. e. duly accepted by the thing and signed by the lawman — of any of the laws has been found as yet. All the manuscripts we have seem to be but annotations made for private use by someone, who wished to know the law of the land. Västgötalagen like all the other laws was handed down by tradition. Its substance is older than Beowulf, probably coeval with Codex Argenteus or even the New Testament itself.

The first lawman of Västergötland according to annotations in one manuscript was Lumber. "And from him we have the expression 'Lums law', because he is said to have remembered and made a great part of our law. He was born in Vånga, and there he lies buried in a mound, because he was a heathen". Schlyter: *Sveriges Gamla Lagar* Vol. 1, page 295. Lumber lived in the last part of the ninth century.

The same manuscript, which is reproduced in the work above named, and from which these extracts are taken, speaks of Lumber's successor Björn Kialki in the following manner: "He was from Mæpalby, there he was buried in a mound, because to him did not become known the holy Christian doctrine". These quotations bear evidence, that the law before us is of great age.

The seventeenth lawman of Västergötland was Aeskil. "He inquired," says our authority, "carefully into and searched all Lumb's law and other, and used the annals of the land for the older. When he found the laws of the land he meditated upon them with much skill and personal foresight". The chronicler continues: "He was a great man, very gifted and was above all the chiefs of the land..... What shall I more say of him, than that late if ever will again be born such a man." Aeskil is considered the compiler and the editor of the oldest edition of the law of the Westgoths, which dates from about 1200, A. D. It was accepted by the thing of all Goths — Aldræ Götæ Ding — the supreme court of the state, and was statute law for Västergötland until the latter part of the same century, when a revision was made, called "the younger law of the Westgoths" — den yngre Västgötalagen —, which in turn was superceded by the General Landlaw of Magnus Erikson.

There are eight manuscripts more or less complete, from which the text is reproduced. These are found partly in the Royal Library in Stockholm, and partly in the University Library of Upsala. Schlyter finds four somewhat different editions of this law, viz: —

1. Den Äldre Codex af Västgötalagen.
2. Den Yngre Codex af Västgötalagen.
3. Lydekini Exerpter och Anmärkningar.
4. Några anteckningar af okänd författare.



Students of Old Swedish have expended much labor and great learning in order to give us a perfect text of this and the other laws. The translation here presented is made from the latest and best texts obtainable, the editions of Schlyter, Schwartz-Noreen and Herman Vendell having been used. Due attention has also been paid to lectures delivered on the subject by Dr. J. S. Carlson, Professor of the Scandinavian languages and literatures at the University of Minnesota.

### LITERARY PECULIARITIES OF THE LAW OF THE WESTGOTHS.

Rhymes and remnants of verses abound in this law, but it is difficult to determine, which words rhyme by accident or by intentional arrangement. The original short rhymes have been so interwoven into the prosaic fabric of the law, that many rhymes have been lost or the words interchanged in such a manner, that they have lost their poetical character. But there are many left intact, and by analogy it is in many instances possible to reconstruct the original "flokkr" or stanza. Schlyter, Rydquist, Richert, Lind and Otman have shown that many remnants of poetry can be detected. Even complete verses and stanzas have been found, composed either in *kviðuhattr* or *liððahattr*. These help us not only to determine the original nuclei of the law, but also to learn the sound and quality of the letters at the time when the law was compiled, and thus aid us in the study of the development of the language.

The following extracts, taken untransliterated from the text, may serve as examples of rhymes and poetic expressions.

#### WORDS WHERE THE FIRST SOUNDS RHYME.

##### 1. *Vowel rhymes.*

|                          |             |
|--------------------------|-------------|
| arva ok aptimælendæ      | Md. 1: 3.   |
| arvæbot-ættærbot         | Md. 1: 4.   |
| at arvi ok at uiltu      | I. B. 2: 1. |
| asikkia eldær            | F. B. 6.    |
| axul ællær andurstang    | F. S. 2: 3. |
| en annan                 | Kk. B. 17.  |
| eit annat                | Md. 13: 1.  |
| iak a ok þu iki          | I. B. 2: 1. |
| iak tok iorþ þæssæ       | I. B. 2: 1. |
| od ok æg                 | Md. 1: 2.   |
| þæn a otær ær or a takær | F. B. 7: 1. |
| undirvip — aldirvip      | F. S. 2: 1. |
| þæt skal e ugilt varæ    | L. R.       |
| öre firi ekiu            | F. S. 3.    |
| öxe ællær öknöte         | F. S. 2: 2. |

2. *Consonant rhymes.*

|   |                |
|---|----------------|
| barfötter bundit brökær                       | D. B. 5.       |
| varpær barn til kirkiu boret ok bepis kristnu | Kk. B. 1.      |
| barn skal brymsighnæ                          | Kk. B. 1.      |
| biargh ok bro                                 | F. B. 6.       |
| bindi a bak                                   | Md. 8: 1.      |
| pæn a biorn ær betir                          | F. B. 7: 1.    |
| biskupær- boklærðir mæn                       | Kk. B. 1.      |
| sitær biskupær innan soknæ far bondi þup      |                |
| hanum þipær ola sik                           | Kk. B. 15: 3.  |
| bitæ bast af                                  | I. B. 20.      |
| blat ællær blöþught                           | B. B. 5.       |
| blöþ ok bænd                                  | Md. 11, 14: 2. |
| boæ böndær i by                               | I. B. 5.       |
| æn braplikæ kumæ þup bondæ at huslæ           | F. B. 4: 1.    |
| brytæ af ok eigh brænnæ                       | I. B. 13: 2.   |
| brötær tak — bofastum                         | D. B. 9.       |
| bulstær ok blæiur                             | Md. 11.        |
| höghæ byr ok af heþnu byghþær                 | I. B. 15: 1.   |
| bön ok bot                                    | Br. 3.         |
| bön — byriæ                                   | G. B. 2.       |
| böndær — bokarlær                             | Kk. B. 1.      |
| bötær biþa                                    | Md. 1: 3.      |

*d.*

|                           |             |
|---------------------------|-------------|
| i diki döt                | R. B. 9: 2. |
| drak ok diþi              | D. B. 8: 1. |
| tíl draps ok tíl döþæ     | D. B. 3.    |
| dræpin ok af daghum takin | Md. 1.      |
| i dyæ döt                 | F. B. 10.   |
| i dæk ællær i dy          | I. B. 12.   |

*f.*

|                              |              |
|------------------------------|--------------|
| faldær fapir fra             | Æ. B. 21.    |
| þy hetir fingin fæst ænkia   | G. B. 6.     |
| firgiort sær ok fripi sinum  | Æ. B. 15.    |
| mæþ flþu far                 | L. R.        |
| a flæt faræ                  | I. B. 3: 1.  |
| af fornu fari                | M. 7.        |
| stighær fotum af fostærlandi | Æ. B. 12: 1. |
| þær skal fyls vat firi gangæ | D. B. 13.    |
| fæ af falby                  | F. B. 5.     |
| fæst ok umfærþ               | M. 4.        |
| fæstir — far                 | Æ. B. 8: 3.  |

## g.

|                                  |              |
|----------------------------------|--------------|
| gangær a grip ok göræ sæt        | O. 2.        |
| gæræ — grip                      | D. B. 13.    |
| til garps gæræ gripær at bepæs   | G. B. 9: 1.  |
| til garps ok grindær             | D. B. 4: 1.  |
| skyld at galdæ ællær gæf at löna | R. B. 7.     |
| mæp gighu gangar                 | L. R.        |
| giptær af garpi                  | Æ. B. 21: 1. |
| pæn gopa grip                    | L. R.        |
| grænnær skulu i garp gangæ       | D. B. 5.     |
| götæ — grænnæ                    | M. 2.        |

## h.

|   |              |
|---|--------------|
| standær a halsi ok a höfpi ok hærær man | O. 10.       |
| i handum havir                          | D. B. 3: 1.  |
| hat hovop                               | F. B. 10.    |
| hemæ i husum ok hæskæp                  | D. B. 17.    |
| hlopær mapær a hærskip                  | O. 10.       |
| hof fæ ok horn fæ                       | D. B. 19: 2. |
| hold ok hup                             | R. B. 9.     |
| hæst at havæ                            | F. B. 4.     |
| huggæ mæd huassi gesl                   | L. R.        |
| til hugs ok til hangæ                   | Md. 8.       |
| hult halmi                              | D. B. 5: 1.  |
| mæp hund ok mæp hirpæ                   | F. S. 6: 3.  |
| til hus ok til hems                     | D. B. 9.     |
| huskonæ hupstrukin                      | L. R.        |
| hvarium sum hlotær fal                  | I. B. 14.    |
| Vændir han hæl ok hnakkæ athemkynnum    | Æ. B. 12: 1. |
| pæn a hæræ ær hændir                    | F. B. 7: 1.  |
| höghæ byr ok af hepnu bygþær            | I. B. 15: 1. |

## k.

|                                       |             |
|---------------------------------------|-------------|
| kari — kistu                          | D. B. 5: 2. |
| hængir klokka i kyrkiu                | Kk. B. 10.  |
| sitir um knif ok kötstycki            | O. 8.       |
| kono — karmans                        | V. S. 2.    |
| kono ællær ko                         | R. B. 5: 5. |
| krussur ok klokkor, kalka ok mæssufat | Kk. B. 5.   |
| kværn draghit ok ko molkæt            | G. B. 6: 3. |

## l.

|                                    |             |
|------------------------------------|-------------|
| sua sum lagh sighiæ i landi þæssu  | G. B. 9: 7. |
| lagha lot                          | F. B. 7: 2. |
| viþ land ok konong sum lagh sighiæ | D. B. 5: 1. |
| land ok laghman                    | D. B. 11.   |

|                                    |              |
|------------------------------------|--------------|
| frigiort landi ok lösum örum       | O. 2.        |
| landsvist ok lösum örum            | O. 4.        |
| undir las ok lykki                 | D. B. 5: 1.  |
| lepiss til landæmærkis             | D. B. 12: 1. |
| lif sit latae                      | D. B. 3.     |
| hin skal lukæ firi unningælagh     | D. B. 18.    |
| i luktu ællær læstu kari           | D. B. 5: 2.  |
| þa skal han lysa sum lagh sighiæ   | D. B. 14.    |
| sva inlændær sum lagh þerræ sighiæ | R. B. 1.     |
| löfs ok loks                       | I. B. 7: 3.  |
| lösæ mæþ laghum                    | D. B. 13.    |
| lösis sum lagh sighia              | D. B. 12: 2. |

*m.*

|                          |             |
|--------------------------|-------------|
| maghændæ mæþær ovormaghæ | B. B. 3.    |
| miolk or mopor spinæ     | D. B. 8: 1. |
| til mots ok til mæssu    | O. 6.       |
| mæþ mund ok mæþ mælæ     | Æ. B. 7.    |

*n.*

|             |           |
|-------------|-----------|
| ny ok næþær | D. B. 19. |
|-------------|-----------|

*r.*

|                      |             |
|----------------------|-------------|
| riþær i ok rændær or | Æ. B. 17.   |
| af roppo raka        | L. R.       |
| þæn a ræf ær reser   | F. B. 7: 1. |

*s.*

|                              |              |
|------------------------------|--------------|
| sak sökiæ                    | G. B. 3.     |
| sandær at sak                | S. B. 1.     |
| sar synæ                     | S. B. 1.     |
| sipæn smyria                 | L. R.        |
| skama ok skapæ               | L. R.        |
| skapap klæpi ok skiaept vakn | D. B. 19.    |
| a skip allær til skogs       | Æ. B. 13: 2. |
| sko nysmurþæ                 | L. R.        |
| spik ok spiar                | S. B. 1.     |
| spiltær allær sprængdær      | D. B. 1.     |
| staf sin hos stingæ          | F. B. 10.    |
| standæ stulper liggia sillir | Kk. B. 6.    |
| stiborp stopu ok stulpær     | M. 2.        |
| stingær ok starvi            | F. B. 6.     |
| sökæ sipæn sær af hande      | I. B. 17: 1. |

*t.*

|                       |        |
|-----------------------|--------|
| til torf ok til tiæru | Md. 8: |
|-----------------------|--------|

|                                      |    |               |
|--------------------------------------|----|---------------|
|                                      | p. |               |
| piuf ok piuft                        |    | Md. 8.        |
| piuf til pings                       |    | D. B. 3.      |
| havi ok pole þæt sum han fek         |    | L. R.         |
| præl sum piængn                      |    | Md. 13: 1.    |
|                                      | v. |               |
| i klæpum vafpær ok i vaggu laghpær   |    | D. B. 17.     |
| þæn a vargh ær vindær                |    | F. B. 7: 1.   |
| þy skal varpæ firi aldri vangömslu   |    | F. B. 6.      |
| vatn ok dy varghi ok piuvi           |    | F. B. 6.      |
| vapæ læst — vilia læst               |    | S. B. 4: 8.   |
| mæp vapæ værki                       |    | Æ. B. 11.     |
| mæp vin ok mæp vitni                 |    | D. B. 19: 12. |
| mæp vitu ællær valdi minu            |    | D. B. 7.      |
| vipær þæn vighit van                 |    | Kk. B. 12.    |
| værk a vinnæ                         |    | S. B. 6: 1.   |
| at þu vart a vighvælli mæp vrepšvilæ |    | Md. 3: 1.     |

## II. WORDS IN WHICH THE CENTRAL SOUNDS RHYME.

### 1. *Two syllable rhymes.*

|                           |              |
|---------------------------|--------------|
| krakæ ok flakæ            | Dl.          |
| vrakæ — takæ              | G. B. 1.     |
| ren ok sten               | I. B. 19: 1. |
| rend ok stend             | I. B. 18.    |
| gæri hvemlepær sik vrepæn | F. B. 11.    |
| mötæs æg ok læggær        | V. S. 1: 2.  |
| værp ællær umfærp         | I. B. 2.     |
| mæpærni — fæpærni         | Æ. B. 8: 3.  |

### 2. *One syllable rhymes.*

|                          |                 |
|--------------------------|-----------------|
| sum lagh sighia          | in many places. |
| i löghu ællær i bastughu | O. 6.           |
| takæ — lukæ              | Æ. B. 4: 2.     |
| taka — vrækæ             | R. B. 1.        |
| ransak syniæ             | D. B. 5.        |
| aptær til skiptis        | Æ. B. 5.        |
| gærs at gorvarghær       | O. 9.           |
| garþ ok iorþ             | I. B. 14.       |
| fæpærni — mopærni        | Md. 1: 5.       |
| nat ok jamlangæ          | B. B. 9.        |
| gangar — far             | L. R.           |
| gighu — fiþlu            | L. R.           |

## III. WORDS IN WHICH THE LAST SOUNDS RHYME.

### 1. *Full rhyme.*

|               |              |
|---------------|--------------|
| ren ok sten   | I. B. 19: 1. |
| rend ok stend | I. B. 18;    |

Værp ællær umfærþ  
 krakæ ok flakæ  
 vrakæ ok takæ

I. B. 2.  
 Pl.  
 G. B. 1.

2. *Half rhyme.*

garþ ok jorþ  
 takæ — lukæ  
 taka — vrækæ

I. B. 14.  
 Æ. B. 4: 2.  
 R. B. 1.

IV. *Verses or remnants of verses and stanzas.*

þa ær kristna var  
 ok allir kristnir,  
 konongær, böndær  
 ok allir bokarlær,  
 biskupær ok allir  
 boklærðir mæn

Kk. B. 1.

hors ok ok nôt,  
 hofæ ok hornfæ  
 skapap klæpi  
 ok skiæpt vakn  
 þem skal mæp vin  
 ok vittni köpæ 1)

D. B. 19: 2.

þy skal varþæ  
 firi aldri vangömslu:  
 sult ok klavi,  
 biargh ok bro,  
 vatn ok dy  
 varghi ok þiuv

F. B. 6:

asikkæ, ran,  
 eldær ok biorn,  
 stingær ok starvi

F. B. 1:

at han ær eigh sandær  
 saræmaþær hans,  
 ok eigh var map vrepviliæ,  
 a vighvalli

S. B. 2.

iak tok  
 iorp þæssæ  
 at arvi  
 ok at uiltu  
 ok jak a  
 ok þu ikki  
 vættæ i.

I. B. 2: 2.

1)<sup>2</sup>See V. G. L. II, in loco, where the two last lines are found as here given.

iak köptæ  
 iorþ þæssæ  
 mæþ fæst  
 ok mæþ umfærþ  
 at uiltu, oksua  
 sum lagh sighia,  
 ok iak a  
 ok þu iki  
 vættæ i.

I. B. 2: 2.

iak födde han hemæ  
 i husum ok hæskæþ,  
 þær dipi ok drak miolk  
 af moþor spina.  
 þær var i klæpum vafþær  
 ok i vaggu laghþær.  
 þy a iak han,  
 ok þu iki

D. B. 17.

þær æru þry öl,  
 ær jammykit,  
 skal bötæ at þræl sum piængu:  
 eit ær brullöp,  
 annat giftæröl,  
 þripæ ær ærvisöl.

Md. 13: 1.

hlöpær mapær  
 a hærskip  
 ok giærs bunkabrytæri, mapær standær  
 a halsi ok hofþi  
 ok hæriær man.

O. 10.

sitær huspreæ i bo,  
 havir barn i knæ  
 ok annat i kuiþi,  
 far kristindom, vændir han  
 hæl ok hnakkæ  
 at hemkynnum  
 ok stighær fotum  
 af fostærlandi.

Æ. B. 12: 1.

Stop hors  
 i skoghum gangæ,  
 all þy fyl  
 sum af föþæs.

Æ. B. 16: 1.

þy hetir fingin  
 fæst ænkia.

G. B. 6.

Söke sipæn  
sær af hande,  
gildæn ok eigh ugildæn

I. B. 17: 1.

Standæ stulpær  
ok stiborp,  
liggær præskulli  
ok holagh,  
æ a mapær  
miulnustap  
mæpæn þe fang al  
uroten æru 1)

M. 2.

til hogs  
ok til hangæ,  
til draps  
ok til döþæ  
til torfs  
ok til tiæru,  
ugildæn firi ærvæ  
ok æftærmælændæ,  
sua firi kiurkiu  
sum firi konungæ

D. B.

ivirlösir væræ  
ok lösgjurpir  
ok barföttir, bundit,  
brökær vip knæ

D. B. 5: 1

þær skal fylsvat  
firi gangæ  
ællær lösæ mæp laghum

D. B. 13.

þa skal lysæ  
sum lagh sightha,  
hin skal lukæ firi  
unningialagh.

D. B. 18.

þæn a hææ,  
ær hæendir;  
þæn a ræf,  
ær reser;  
þæn a vargh,  
ær vindær;  
þæn a biorn,

---

1) Given as normalized by Otman q. v. in loco.



|  |             |
|--|-------------|
| ær betir;<br>þæn a ælgh,<br>ær fællir.<br>þæn a otær,<br>ær or a takær | F. B. 10.   |
| havi ok þole<br>þæt sum han fek,<br>skama ok skapæ                     | L. R.       |
| krussur ok klokkor,<br>kalka ok mæssufat                               | Kk B. 5.    |
| standæ stulpær,<br>liggia stillir                                      | Kk B. 6.    |
| æn þer vipær þæn,<br>vighit van  | Kk B. 12.   |
| firigiort landi<br>ok lösum örum                                       | O. 2.       |
| landsvist, iorþ<br>ok lösum örum                                       | O. 4.       |
| sitir um knif<br>ok kötstykk   | O. 8.       |
| firigiort sær<br>ok fripi sinum  | Æ. B. 15.   |
| ripær i<br>ok rændær or  | Æ. B. 17.   |
| ær han havir<br>handamælli   | Æ. B. 22.   |
| kuærn draghit<br>ok ko molkæt  | G. B. 6: 3. |
| til garþs gæræ<br>gripær at bepæs                                      | G. B. 9: 1. |
| sua sum lagh sighiæ<br>i landi þæssu                                   | G. B. 9.    |
| sua inlændær,<br>sum lagh sighiæ                                       | R. B. 1.    |

|  |              |
|--|--------------|
| skyld at gíaldæ<br>ællær gæf at lönæ     | R. B. 7.     |
| höghæ byr<br>ok af hefnu byghpær         | I. B. 15: 1. |
| grænnær skulu<br>i garp gangæ            | D. B. 5.     |
| vip land ok konong,<br>sum lagh sighthæ  | D. B. 5: 1.  |
| ok haldæ firi þem<br>hæst havir a handum | D. B. 8.     |
| ny ok næpær,<br>þar næstu                | D. B. 19.    |
| æn braplikæ kumæ þup<br>bondæ at huslæ   | F. B. 4.     |
| þæt skal e<br>ugilt varæ                 | L. R.        |
| mæpær til huggæ<br>mæp hvassi gesl.      | L. R.        |

The translation here presented is as literal as possible. Some deviations from the order in which the words appear in the original text have been necessary in order to make it intelligible in English, but such deviations are as few as possible. Certain parts of the law are more easily translated than others, as for example the Church code, Bishop Bryniolf's Ordinance, and the other short additions at the close. But the main portion, which of course is the oldest, with its short and pregnant expressions, its alliterations and proverbial forms of expression, is exceedingly difficult to translate, except by long and tedious paraphrases.

Some words are in fact untranslatable. In such cases either the original word has been kept, or the best word obtainable in English used. When old Swedish words have been retained, they have always been explained, but the explanation appears only once. It is always found where the word is met for the first time in the text.

In a few places it has been found necessary to add some words in order to make the text clear, but such words are italicized.

Proper names have as a rule been spelled according to the Swedish orthography of the present day, the reason for which will be easily evident to the reader.

In places where it has been found necessary to refer to any part of the law, the abbreviations of the old Swedish headings of the codes have been used. The superscription of every code is for this reason also given in both old Swedish and English.

Explanatory notes have been added only in so far, as they have been deemed necessary to a correct understanding of the text.

My main effort has been to present the law in such a form, that it might be understood by one not familiar with the original, but who nevertheless is interested in the people and the literature of the North. We as Americans may well be interested in literature of this kind, when we bear in mind, that in all probability, these laws were first proclaimed and practised in a language common not only to the Scandinavians, but also to the Germans and the English, and that the rules here laid down were undoubtedly with but little difference the common laws of our forefathers, and hence reflect their opinions and customs, whether they lived in the Scandinavian countries, Germany or Great Britain. A careful study of these laws will enable us to separate the additions of a later day, and help us to determine what parts are of the greatest age. We may then find, that even in heathen and barbarian times, our forefathers had a wonderfully keen conception of right and wrong.

This translation claims to be nothing but an earnest effort by a beginner, who would gladly do something in order to familiarize the American student, linguist and lawyer, with a part of the important, old lawliterature of Sweden.

#### AUTHORITIES.

1. Äldre Västgötalagen, Collin and Schlyter, Stockholm, 1827.
2. Äldre Västgötalagen, Herman Vendell, Helsingfors, 1897.
3. Äldre Västgötalagen, Swartz—Noreen, Upsala, 1876.
4. Äldre Västgötalagen, Ivar Otman, Helsingfors, 1883.
5. Ordboken, C. J. Schlyter, Lund, 1877.
6. Altschwedishes Lesebuch, Adolf Noreen, Halle, 1892.
7. Modersmålets Historia, K. Ljungstedt, Stockholm, 1898.
8. Svensk Litteraturhistoria, Schück—Warburg, Stockholm, 1897.
9. Svensk Literaturhistoria, Henrik Schück, Stockholm 1890.
10. Islændernes Færd ude og hjemme, N. M. Peterson, Copenhagen, 1866.
11. Nordboernes Aandsliv, Rosenberg, Copenhagen, 1878.
12. De Nordgermaniske Retskilders Historie, K. Maurer, Kristiania, 1878.
13. Staten Västergötland, J. R. Kjellén.
14. Dictionaries, etc.



## KIRKIU BOLKÆR.

### *Church Code.*

Here begins the lawbook of the Westgoths. 1)

Christ is first in our law, 2) then is our Christian doctrine — *church* — and all christians, kings, freeholders, and all having a settled home, bishops and all booklearned men.

A child is brought to church and baptism is asked, then shall father and mother provide godfather and godmother, and salt and water. It shall be brought to the church. Then they shall call on the priest. He shall live at the parsonage of the parish. The child shall be primsigned 3) before it can be brought into the church — *firi utæn kirkiu dyr* —. Then the baptismal font shall be consecrated, the priest baptize the child, the godfather hold it and the godmother name it. The priest shall say how long the father and mother shall care for it. Is the child taken sick, can not be brought to church, then the godmother shall hold it and the godfather baptize it in water, if that can

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1) The lawbook of those Westgoths living in Västergötland. The other states inhabited by them had their own laws.

2) This code is, no doubt, comparatively old, as christianity was introduced quite early in Västergötland (see intr.), but the fact that it has been placed first in the manuscript, which we possess, does not indicate that it is the oldest or the first written and adopted; it shows only, that in the opinion of the copyist this code was the most important at this time; and he may also by this arrangement have wished to place the law under the grace and protection of Christ. Besides that the copyist may himself have been one of the clergy.

3) *Brymsighna: Primum signum facere: primsigne.* Before the child was brought into the church to be baptized, the priest made the sign of the cross on the child's forehead and over its heart, and gave to it during prayers and exorcisms the sanctifying salt. This custom was very common in the church at that time, and a primsigned person enjoyed certain rights and privileges on account of it. These rights and privileges were, however, different in different countries. The church of Sweden was Roman Catholic until the convention of Västerås 1527.

be found, in the name of the Father and the Son and the Holy Ghost. Then it may be buried in the church graveyard and have right to inherit.

a. 1) The child arrives alive, then it shall be primsign and baptized, but only once. A child takes sick, the mother is alone at home, then she shall baptize and name it. Then it may be buried in the church graveyard and has a right to inherit. A child is primsign and not baptized, then it shall not be buried in the church graveyard, and has not right to inherit.

b. The freeholders wish to build a church, then permission shall be asked from the bishop. He shall consent. Now the church is built, then shall the giftland 2) be granted to it. A field worth half a mark and a meadow bringing twenty loads of hay and the eight part of an Eight,<sup>3)</sup> and a part of the common pasture and houses: Mansion, outhouse, stable and barn. These the freeholders shall build, but the priest keep in order. Massrobes, chalices, chalicecloth, chasuble, priestfillet, handcloth, surplice, girdle and headcloth, these the freeholders shall furnish for the church and maintain the church itself. The bishop shall consecrate them. Then one shall go to the bishop and with him agree upon a meetingday, when the church shall be consecrated. Then the bishop shall send his men to receive headtithe 4) from all these per-

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1) The paragraphs a, b, c, are supplied from the later edition of the law. One leaf is cut out in codex A, and as Codex B. has these paragraphs, they are here inserted. See Schlyter and Otman in loco.

2) Skötning: Giftland. Land could be given away only in the following way: The receiver's cloak was held outspread by some witnesses, and the donor cast into it a hand full of soil from the land to be given away, whereupon the receiver took the cloak with the soil upon it. Then ownership in the land was legally transferred, and the process was called skötning.

3) Attungi: Eight. One of the parts into which a village was divided.

4) Hovoptiundi: The large tithe; headtithe (Icelandic; hin meiri tiund). Besides the regular tax to the clergy, the church, and the paupers, which was exacted yearly from the produce of the field and the herd, another tithe was demanded in certain parts of the North, called: hovoptiundi, and which was levied on real as well as personal property. Originally this tithe was a legal fee in the Scandinavian peninsula and Iceland, but later, when the yearly tithes were introduced it became in these countries a voluntary gift most everywhere, called "själägäva", i. e., a gift for the salvation of the soul. In the southern part of Sweden and Norway, where the people first accepted christianity, and where church practices shot deeper roots, it was a legal fee beside the new church tax. Nowhere was this tithe paid more regularly than in Västergötland. It was demanded at the consecration of a church, when the freeholders alone should tithe, and from any one, who had committed cardinal sin. Every citizen of the land should tithe at least once, generally at the time when he had inherited property. Later even those, who had not inherited, should tithe, in the third year after their marriage, of the property they then possessed. Did either of them inherit property later, then they should pay a tithe from that. The only property exempt from this tithe was the freeholder's and his wife's everyday clothes, timber brought home from the forest, grain "because from that tithe is given every year", hay and unbroken

sons, who had not headtithed within the last ten years, but the headtithe shall be divided into three parts: one for the bishop, another for the church, and a third for the priest.

c) The bishop holds not a meeting day for the freeholders, then he shall pay a fine of six marks. 1) His hindrances are these: If the king has sent him a message; second, if the archbishop has sent him a message; third, if he lies sick. The parishioners shall be informed within two days, that "he has a hindrance and hence can not hold a meetingday for them." The freeholders accuse him of, that he did not inform them in proper time, then his master of horse shall prove it with twelfth oath, 2) ask so the gods 3) to help him and his witnesses, as he tells the truth, that he sent them word as soon as he received information himself."

## 2.

The freeholders do not hold a meetingday for the bishop, pay a fine of three marks. Their lawful hindrance is: If the provisions 4) gathered for the

colts. Later still one could not be compelled to tithe, unless ten years had passed since he tithed last. (See Bish. Br. Ord.) In the later edition of the V. G. L. this tithe is levied only on personal property. Headtithe was first demanded at the consecration of a church, in order to create a fund for the church. Then it was demanded of every person once in his life and for cardinal sin "in order that future members of the church, and such persons, who because of their sins must buy themselves readmittance into the church, should share in this burden." (Maurer.)

1) Mark: Pound. One pound of silver in weight. 1 mark = 8 öre; one öre = 8 örtugs. As there are no corresponding English word, the Swedish word is retained.

2) Tylftar epær: Twelfth oath. The oath of twelve men, who together swore in the so called twelfth oath. This jury of twelve was called tylpt, i. e. twelfth. A very common institution in old Swedish courts and somewhat similar to our jury.

3) Bīpia, sua se mer guð hol etc. The formula of oath must needs have been the same in all instances, although the copyist has used abbreviations. Leffler, Otman et. al. have clearly demonstrated, that the word guð can be nothing but a nominative or accusative neuter plural noun, with a collective meaning. Any special god or goddess is not implored, but all the gods and goddesses jointly, which evidences the solemnity of the oath. It is not improbable, that a heathen formula of oath could be used also in christian times. The learned Catholics are famous for their easy accomodation to circumstances, and here they could simply give a new meaning to the old expression, while the simple folk could without any serious scruples use an oath so familiar, and so sacred because of age. According to Leffler, the oath formula common in the North must have read thus: Sva se mer guð holl, sem ek satt segi, gróm ef ek lyg.

4) Gengiærþ: Provisions for entertainment. Provisions for the entertainment of the king, the bishop or the king's bailiff during their travels. These provisions should be supplied by the state or parish, which they visited or through which they chanced to travel.

entertainment of the bishop, burn. They shall provide entertainment for two days 1) and until the evening of the third for the bishop and twelve men with him, he himself the thirteenth. And he and all his clerks may drink mead 2).

## 3.

AF KIRKIU VÆT (RÆT) 3).

*About church oath (right).*

If a man is killed in a church, that is felony. Then the church is altogether desecrated. Takes it place within ten winters since they headtithed, then they shall give the bishop three marks for consecration and two days entertainment. If it is ten years since they headtithed, and they wish to have the church consecrated, then they shall headtithe.

## 4.

Tenants shall not headtithe more than once, unless they so wish or should fall into cardinal sins 4.)

## 5.

Should the altarstone 5) become loose, then the priest shall notify the bishop or risk his three marks. Then shall the freeholders give the bishop three marks for consecration of the altar and two days entertainment. And for the whole churchyard fence three marks, for a part of the churchyard fence twelve öre. Crosses and bells, chalices and massrobes, these the bishop shall consecrate for that tithe, which the freeholders give him, also confirm children.

## 6.

Is a church old — and in need of repair — stand the stays, lie the sills, are the doorposts and the upper sill 6) complete, lies the roofcomb whole, the

1) Nættær: Night. The old Scandinavians counted by the nights instead of the days, and by winters instead of years.

2) Miop: Mead. A drink common in the North, made from malt, sweet-willow, Myrica gale and honey.

3) This superscription seems to be out of place. It is also uncertain whether the word væt should not rather be read ræt. The words "ran" and "drap" have even been proposed as substitutes. One later ms. has even the word "drap" in this place.

4) Hovopsyndir: Peccata mortalia; cardinal sins. Such were theft, murder, adultery, and apostacy during persecution. For these the church inflicted public punishment, and in Västergötland headtithe was also demanded.

5) Altæræsten: Altarstone. Really the altar itself or the upper slab. The altars in mediæval churches were often built of stone.

6) Fæstiband: Upper sill. The upper beams or logs in the walls of a loghouse.

altar stone and altar, if these are all whole, the church may have the same consecration, even though they repair it.

## 7.

The church is broken into, and the massrobes stolen, that is felony. That is a nine marks case to the church, likewise to the county and to the king 1.)

1. If entrance is made, when the doors are open, the priest shall make good the loss, which the church suffered, to the amount of three marks, and not any more even if greater damage is done.

2. Is entrance effected by digging under the sill, then the priest is not responsible.

3. The perpetrator is found, then he shall pay three marks to the priest, when the church has had her all.

## 8.

A church burns, then shall the priest pay a fine of three marks. The priest shall be responsible for the front candles 2), and for the hind candles 2) he who lights them.

1. The church robes catch fire in a church from the front candles, then the priest shall pay for them, what they are worth, up to three marks, not any more, even if the injury is greater.

2. There is a dispute between the freeholder and the priest, says the priest: "The freeholder lighted", and he denies, then let him bring forth a twelfth oath, that he did not light, when he has testified, then the priest shall pay the fine.

## 9.

The priest carries the mass robes home, and are they injured there, he shall pay as they were worth, with a sworn oath, that they were not better.

## 10.

A bell hangs in a church, falls, hits some one on the head, the parish shall pay a fine of nine marks — the trustee a freeholder — 3) if he, who was hurt dies therefrom.

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1) An equal fine should be paid to the county and to the king. Sometimes fines of different amounts were paid to the different parties, but very often they were as in the above case of the same amount to all.

2) Framlius, baklius: Front and hind candles. Framlius, candles so placed, that they were in front of the priest, when he stood facing the altar. The candles that were behind him, when in this position, were called baklius.

3) Kirkiu droten iorpeghandi: The trustee a freeholder. Evidently a corruption of the text. Schlyter, Schwartz and Noreen refer at this place to V. G.



1. A bell falls from a belfry, hits some one on the head, the parish shall pay a fine of three marks, if he dies.

2. Does it fall and hit the priest or the sexton on the head, care for themselves.

3. Breaks the bell for them, then it is imperfect, and they are not liable to a fine.

4. If some other man causes the bell to fall, it breaks thereby, is it worth less than three marks, then he shall pay according to its worth, and not more than three marks, even if it is worth more.

#### 11.

If there is a difference of opinion in the parish the majority shall rule.

#### 12.

Some one is killed or wounded within the church yard, pay to the bishop a fine of three marks. Then the priest shall not hold services before the bishop gives his consent, without risking his three marks. The bishop shall bring case against the parish, but the parish against him, who committed the murder.

1. Some one is assaulted or taken by the hair within the church yard, then the priest shall not say mass before he has permission from the bishop or the dean of the district. The parish shall pay a fine of twelve öre to the bishop, but they bring case against him, who disturbed the peace.

2. The parishioners deny the deed, say peace is not disturbed, then shall the officer of the bishop receive twelfth oath from the parishioners. Ask so the gods to help them and their witnesses, that there is no disturbance of peace, such that the bishop has any case in the matter.

#### 13.

The fence about the church property shall be divided between the different estates. 3) One estate shall fence the same as another. Lies the whole church fence open, that is a case of three marks. That belongs to the bishop. Lies half of it open, that is a case of twelve öre. The bishop owns that. Lies one third open, that is a case of six öre. The bishop owns that. After that the

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L. II. Kk. B. 17., where this paragraph reads: bote fore saku IX. marker arvanum oc iortheganda gælde slict mather sum man etc. (pay the parish therefore nine marks and the freeholders pay one as much as the other). The copyist of V. G. L. I. has evidently left out some words, as the inserted words alone give no meaning.

3) Bol: Estate, farm. The estate is of uncertain dimensions. Bol means, however, land with living-houses on it, for when there are two dwellings on a piece of land it is called two bol. Æ. B. 21.

county is entitled to eight örtugs for each part — *i. e. that lies open* —. And the fence about the church shall always be in perfect condition both winter and summer.

## 14.

A child needs baptism, a man the Lord's supper, the child shall be baptized before the man is given the Lord's supper.

Someone needs the extreme unction, another wants to commune, then shall the man wanting communion be attended to before the one wanting the extreme unction.

1. A child does not receive baptism, some one not the Lord's supper, or the extreme unction. Does the priest lack valid reasons for not attending to them, then he is liable to a fine of three marks to the bishop and three marks to the plaintiff. <sup>1)</sup>

<sup>1)</sup> Saksökhenden. En or n is the definite article suffix. This definite article is peculiar to the Scandinavian languages. It is seldom found in old Icelandic literature, particularly the Eddas. Even in Old Swedish it was used most sparingly. In the main portion of V. G. L. I., that is the portion that goes before L. R. it occurs only nineteen times, while in the D. L. it appears eight times, and in the Br. nineteen times, just as many times as in the whole main portion of the law, which is more than twenty times as large.

From this the conclusion can be drawn, that the definite suffixed article, so common and so necessary in the Scandinavian languages of to-day, did not appear before the eleventh century. Its use grew quite rapidly, however, and as early as the thirteenth century, it had become a necessary part of the language in order to express exact thought. This article appears in the following words in this law viz:

|                   |                |       |         |
|-------------------|----------------|-------|---------|
| saksökhenden..... | ac. sing.....  | KkB.  | 14: 1   |
| præstins.....     | gen. ".....    | "     | 20: 1   |
| ættin.....        | nom. ".....    | Md.   | 1: 4. 5 |
| sakinæ.....       | ac. ".....     | "     | 5: 6    |
| Saksökæn.....     | " ".....       | "     | 5: 7    |
| banæn.....        | " ".....       | "     | 14: 1   |
| saksökæn.....     | nom. ".....    | B. B. | 75: —   |
| mannin.....       | ac. ".....     | "     | 9: —    |
| bono.....         | dat. ".....    | Æ. B. | 5: —    |
| arwanum.....      | " ".....       | "     | 24: —   |
| næmdin.....       | " ".....       | G. B. | 5: 1    |
| pavæns.....       | gen. ".....    | "     | 8: 1    |
| pavanum.....      | dat. ".....    | "     | 8: 1    |
| sunnudaghin.....  | ac. ".....     | G. B. | 9: —    |
| skyldinæ.....     | " ".....       | R. B. | 7: —    |
| værþit.....       | " ".....       | I. B. | 4: —    |
| bondin.....       | nom. ".....    | P. B. | 5: 1    |
| skapæn.....       | ac. ".....     | F. S. | 5: 1    |
| lekærin.....      | nom. ".....    | L. R. |         |
| kvighuna.....     | ac. ".....     | L. R. |         |
| rikiennæ.....     | gen. plur..... | L. M. |         |
| pridiungin.....   | ac. sing.....  | pl.   |         |
| fæmtungin.....    | " ".....       | "     |         |

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## 2. A priests lawful hinderance are:

First if the bishop has called him and he has already left home; secondly, if he is sick; thirdly if he says quiet mass; 1) fourthly if he has driven out into the parish to help the sick.

3. *Even if saying mass*, he shall lay aside his massrobes and go to the aid of the sick, unless he is saying quiet mass.

4. Is there a disagreement between them, freeholder and priest. The freeholder says, that the priest has no proper excuse, then the priest shall prove in his defense, by six priests, that he had lawful hindrance.

## 15.

The priest shall give the extreme unction to the freeholder and the freeholder's wife, the freeholder's son and daughter, his oldest child, for his tithe. But for every servant, that he anoints, the freeholder shall give him two öre, and likewise for all men not giving their tithe, and one öre for the grave and burial of all freeborn men, who have communed, and one örtug for nightwatching. Not any more even if he stays up more nights. No more need he watch, if not the priest or the freeholder so wish, and even if the corpse shall lie three nights at home. Will he keep it longer, pay an örtug for each night. 1. A guest dies at some freeholder's home, take one öre's worth of his belongings and give the priest for burial and nightwatching. The priest is in duty bound to commune the guest as well as the freeholder. 2. Dies a beggar, then has the priest a right to staff and bag for burial. 3. Sits a bishop within the parish, sends the freeholder word to him, asks him for extreme unction, then is he in duty bound to give him the unction. Have a half mark for it.

## 16.

One priest goes into the parish of another priest, carries a book and cleri-

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|                           |                |       |
|---------------------------|----------------|-------|
| utlandin .....            | nom. plur..... | "     |
| tindæn, twice .....       | ac. sing.....  | Br. 1 |
| biskupsins, twice .....   | gen. sing..... | " "   |
| præstins, twice .....     | " " .....      | " "   |
| kirkiunnar, twice .....   | " " .....      | " "   |
| spitalsins, " .....       | " " .....      | " "   |
| saksökizænum, twice ..... | dat. " .....   | " "   |
| tiundanum, thrice .....   | " " .....      | " "   |
| loten .....               | " " .....      | " "   |
| kirkiunæ .....            | nom. " .....   | 3     |
| naturinni .....           | dat. " .....   | 5     |
| kirkiæn .....             | nom. " .....   | 6     |

1) piglande mæssa: Quiet mass. Thus the communion mass and consecration was called in the Roman Catholic Church, because it is read and sung very low.

cal apurtenances and reads over people, then he is liable to a fine of three marks. Pay one öre to the bishop and twelve to the priest.

## 17.

The tithes shall be set apart on the field. The priest takes what is due the church according to its consecration. Then shall the remainder be divided into three equal parts, one to the bishop, another to the church, and the third to the poor people.

1. The priest owns all the quicktithe,<sup>1)</sup> and the offering that to crossfoot comes on Good Friday.<sup>2)</sup>

## 18.

A freeholder dies within one parish and wishes to be buried within another, then the priest shall consecrate the corpse and follow as far as to the garden gate, not farther unless he wishes. Then he shall have one half of the burial fee, and the other half goes to the priest that receives the corpse.

## 19.

Should someone wish to give the priest a gift, that is two bushels or one örtug.

## 20.

A man owns a farm in one village and seeds away from home — *in another parish* —, then he shall tithe to the priest and church, where the property is situated, and be responsible for the fence about that church.

1. A man seeds a single field in a village, then he shall leave the priest's tithe on the field and all other tithes he shall remove.

2. A freeholder lives in an unsettled district, seek that church which is nearest to him, if he so wishes.

3. A tenant may not be compelled to seek parish privileges out of the church village into another parish.

## 21.

Blood is shed by accident in the churchyard, then shall the sward together with the blood be cut up and thrown out of the churchyard, and the churchyard is not defiled thereby.

## 22.

The priest may not drive anyone from the church, except the one whom the bishop has forbidden to enter. The freeholders may drive away an outlawed person, if they wish, no guilt attaches to the priest in that case.

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1) Kvikker tiundi: Quick tithe. The tithe of living animals.

2) Offerings were placed on the altar at the foot of the cross in the church.

## AF MANDRAPI.

*On Manslaughter.*

A man is killed and his life taken, then the murder shall be announced at the thing<sup>1)</sup> and then told the heirs and, on the second thing, and on the third thing bring accusation of murder, or else the case is lost. Then shall the murderer go to the thing and stand outside, sending in men to ask safe conduct. The thingmen<sup>2)</sup> shall promise him a lawful consideration of his case. He shall admit this accusation of murder.

1. Then the heir shall name the murderers. He has the right to bring accusations of murder against whichever one he wishes, if there are several murderers. He, who is the nearest relative on the father's side, shall together with the child name the murderers. Has the wife a child in her lap, she shall name the murderer. Then shall be named the accessories to the crime, those who were accessories in act<sup>3)</sup> and those who were accessories by presence<sup>4)</sup> They shall be five and one crime instigator.<sup>5)</sup>

1) Ding: Thing; assembly, legislative and judicial court. A word so often used in this lawbook and so familiar in Scandinavian literature, that it is most convenient to transfer it into English. It cannot be satisfactorily translated by the word court, because it has a much wider meaning. Here are some of the meanings of this little word with reference to legal proceedings:

a) 1. A convention or assembly for legislative or judicial purposes. 2. also the people present at such a time, and 3. the place where such convention was held.

b) Men called together in order to collect fines, etc. which had not been willingly paid by the guilty party.

c) A gathering on the meadows of Mora, a mile south of Upsala, where the people of Upland elected their kings.

d) In Gotland it meant a district from which in heathen times the people came together at sacrifices and festivals.

e) The Supreme court of Västergötland, which was presided over by the Lawman, and which was called the Thing of All Goths.

In general: any assembly (or its meeting place) where public affairs were discussed and public business transacted.

2) Dings Mæn: Thingmen. Persons, who had been present at the thing during a trial, and whose duty it was to keep track of what should come before the thing, under some circumstances give evidence, and sometimes even pass judgment in certain cases at law.

3) Haldsbænd: One who participates in a murder by holding the victim.

4) Atvistær mapær: Murderer by presence. One who had been present at the place of murder, and there shown enmity toward the victim, without otherwise aiding the murderer in committing the crime.

5) Rapsbani: Murder instigator, one who partakes in the crime by advising the murderer.

2. Then they shall set a oneday<sup>1)</sup> thing at the home of that one, whom they all agree on. Then shall, on this day, the thingmen's testimony be given. "I was then at the thing and we six men. Such judgment was then pronounced in thy case, that thou shouldst stand here to-day" — and evidence against him, accusation of murder with two twelfths. "So help the gods me and my witnesses, that thus was judgment pronounced in thy case, as I now testify." Then the heir shall swear. "So help the gods me and my witnesses, that thou attacked him with point and edge, and thou art his true murderer, and thus I brought complaint against thee at the thing". Then the heir shall go and swear likewise before the other twelfth. Twelve men shall stand in the twelfth, and the very same formula of oath shall be used before each twelfth. These formulas of oath shall be used before each twelfth oath. Make the gods propitious to oneself or wrathful.

3. Then shall the heir go to the sæghnarthing, 2) let himself be judged at the thing, and verify by persons having been present, ask so the gods to help him and his witnesses, that, he did all that, which the law demands, on the oneday against his freedom. Then shall he (*the heir*) again come to the thing, let himself (*the murderer*) be pronounced an outlaw for the heir and the plaintiff and without right 3). Then he shall flee peace — i. e. *leave the community* — eat at home in the morning of the day of court, and in the woods supper. It means a fine of twelve marks for the county judge 4), if he sits still and does not concern himself therewith, and forty marks for the county, and three marks for him who eats or drinks and has a meeting with him, called three but are two, sixteen örtugs in each third 5). Unless he perchance offers fines, then he may eat supper at home without incrimination.

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1) Ændaghæ hem dōmæ: To decree, that on a certain day, called endaghi (oneday), thing should be held at the home of one of the parties. The judge set the endaghi, as above said, and there was then held a private continuation of the case already before the thing. Certain persons were also appointed to be present. At this thing it was also decided when and where the sæghnarthing should be held.

2) Sæghnarthing: Sæghnarthing, a thing decided upon at the endaghi, when a case which had been tried and the endaghi should again be taken up for consideration and final judgment pronounced.

3) Ogildær, Ogilder: 1) worthless, 2) without rights. The plaintiff could kill him without being punished for it.

4) Hærads Hyfpinge: County chief or county judge. He had more power than a judge, but this title is used in want of a better one.

5) Heta þrer ok æru tuar sæxtan orthuger i þridiong hværn: called three, but are two sixteen örtugs in each third. Each third i. e. each party viz. the king, the county and the heir. This expression appears several times. The meaning is, that the fine was called three marks, but was in reality but two, as each party received only sixteen örtugs, while one mark consisted of

4. Will they accept a fine, then shall he pay nine marks heir fine<sup>1)</sup> and twelve marks tribe fine<sup>2)</sup>, six marks shall the murderer's heir pay<sup>3)</sup>. Six marks fine shall be paid by the tribe, three from the father's and three from the mother's side. Then shall the nearest of kin pay twelve öre, then the next one six öre, the next three öre, the next four and a half örtug.

5. All should pay alike and take alike. Each shall pay and receive one half less than the other, even unto the sixth degree of relationship. Fines for murder shall be divided even unto the relatives in the sixth generation. If all are equally related, then shall the one family group share equally with the other. Six marks shall the heir take from the tribefine and the tribe six; three on the father's and three on the mother's side.

## 2.

If anyone is to pay a fine for an adopted person<sup>4)</sup>, one who has been a slave, he shall pay a fine of nine marks heirfine and six marks tribefine, because his tribe is half slave and half freedman.<sup>5)</sup>

## 3.

Does anyone wish to bring complaint against those who have held the victim in a case of murder, or been present, they shall be called to the thing, have their say there and be judged to the oneday, the thingmen's testimony given and the same on every oneday. The thing-men's testimony shall be heard first, thereupon shall the heir swear: "So help the gods me and my witnesses, that thou held him under point and edge, and so I brought complaint against thee at the thing."

1. The one, who has been present at a murder, shall be called to the thing and be sworn against thus: "Ask the gods so to help himself and his witnesses, that thou wert at the place of murder with illwill, and thus I brought complaint against thee at the thing."

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twenty-four örtugs. The reason for this may be found in a change in the money standard. So that two marks silver in weight were equal to three marks in money. Instances of similar differences are indicated in Östgötalagen where it says, that two marks vapmala equaled one mark silver or two marks in money; and in Skånelagen, where it is said, that three marks in fine must be sva goþa sum en mark sylfs.

1) Arva bot: Fines paid to the heir.

2) Ættar bot: Fines paid to the tribe.

3) If the murderer had been murdered, his heir would have received one half of the tribe fines, and now therefore, when he was the murderer, his heir had to pay just so much, as he would have received, had the murderer been murdered.

4) Ætleder mapær: A person adopted and made a member of another man's family.

5) Frælsigivi: Freedman. A liberated slave whether ætleder or not.

2. The one advising a murderer shall be called to thing for that crime, which you claim he is guilty of, that he advised with death advice. He shall bring evidence in his case at oneday, with a whole twelfth on the father's side and a half on the mother's side. Does he fail in his evidence in both, then he shall be fined four and a half marks. Fails he in the twelfth, pay a fine of three marks. Does he fail in the half twelfth, pay a fine of twelve öre.

3. Now the one who held the victim of murder shall pay a fine of four and a half marks. The king has no part in that, neither in fines for murder by advice, nor in fines for murder by holding. In a case of being present at a murder the plaintiff has a right to one örtug and five öre. The king and the county have the same right.

4. The king shall exact fines for crime against personal liberty, and pawn<sup>1)</sup> shall not be taken.

## 4.

A slave kills a free man. He shall not be called his murderer. The freeholder — *owner of the slave*, — shall pay heirfine and tribefine, not lose his liberty, unless he refuses to pay fine.

## 5.

Kills someone a Swedish man, or one from Småland, a man from within the kingdom, but not from Västergötland, pay therefore a fine of thirteen marks and eight örtugs and no tribe-fine.

1. Nine marks the king shall have in a case of murder and likewise the county.

2. A woman kills a man, then complaint shall be brought against the nearest male relative. He shall be responsible for the fine or lose his liberty.

3. Kills someone a Dane or a Norwegian, pay a fine of nine marks.

4. Kills someone a foreigner, he shall not lose his right to liberty either in his land or in his tribe.

5. Kills someone a foreign priest, pay as large a fine as for a citizen. The priest shall have the same rights as a freeholder.

6. A southerner<sup>2)</sup> or an Englishman is killed, then the fine shall be four marks to the plaintiff and two marks to the king. Each freeholder gave the other his right in that case.<sup>3)</sup>

1) Næma til: To take pawn or pledge. A certain sum of money or amount of property taken as security, until certain acts were performed or completed. It was a custom quite general in former times, and is even yet allowed in Sweden.

2) Supær mapær: Southerner. A man from southern Europe.

3) Each gave the other his right, i.e. the freeholders gave up their rights of fines to the county.



7. Kills someone another man's slave, pay for him a fine or three marks, if he can not prove him worth four.

Then he shall pay accordingly. No one has any right in that case except the plaintiff.

6.

Kills some one somebody and is he then killed over the feet of him, whom he killed, lie on his deed. Pay no fine either to the king or to the country.

7.

Does an insane man kill some one, runs away, pay for him with nine marks.

8.

Some one catches both thief and the stolen property, has he stolen to the value of two öre, or more than two öre, bind his hands on his back and bring him to the thing. Let two men testify against him, that he is thief to the theft and prove it then with a twelfth-oath. Let him then be judged liable to beheading and hanging to turf and to tar<sup>1)</sup> without rights as to heir and to plaintiff.

Someone is robbed of his property, does he pursue, thief resists, can he not get his property back before he kills the thief, then he shall bring complaint against the dead and judge him without rights at the thing.

9.

Goes someone to another's house, attacks him there. Does he, who lives there, kill him so, that he falls away from the house corner, accuse the dead, judge him without rights at the thing.

10.

If someone becomes<sup>2)</sup> a forest thief<sup>3)</sup>, lies in the woods and robs, and someone kills him in selfdefence, bring complaint against the dead, and judge him without rights at the thing.

1) Til torfs ok til tiæru: To turf and to tar. This punishment was carried out thus: The thief's head was shaved, smeared with tar, and strewn with feathers, whereupon he ran the gauntlet, while the people threw earth, or whatsoever they got hold of, at him.

2) Gærs: Makes himself. One of the reflexive verbs found in this law. They are: givis, gives himself; giftis, gyptis, marries himself; gærs, makes himself; kallæs, calls himself; lægs, lays himself; röres, moves himself, appearing in one form or another seventeen times; stiols, moves or gets by stealth.

3) Löfvirkingær also read lösvittingær: A forest thief, a fool. The manuscript is not plain, but the first reading, forest thief; suits the context best.

## 11.

Does someone kill a man in bed with his wife, or in some other place, lawfully taken in presence of witnesses, take the mattress and the sheet, bring to the thing. Cause to be seen blood and sign of murder, accuse the dead, and testify with two twelfths jurymen's testimony, the county judge administering the oath, and then declare him without rights at the thing.

## 12.

Holds someone in his weapon, runs another against it, receives deathwound therefrom, pay for him a fine of nine marks.

1. Fells someone a tree on someone, receives he deathwound therefrom, pay for him a fine of nine marks.

2. Shoots someone up into the air, comes the shot down upon the head of someone, receives he deathwound therefrom, pay for it a fine of nine marks.

## 13.

Kills a man someone in an alehouse<sup>1)</sup>, they<sup>2)</sup> shall bring forward the murderer, or pay for the murder a fine of nine marks.

1. There are three festivities at which the fine for the murder of a slave shall be equal to that for a free man, one is the betrothal feast, second the marriage feast, third the inheritance feast.

## 14.

If anyone is killed outside the garden fence, then the neighbors shall pay for him a fine of nine marks, or bring forward the murderer. Then shall the murderer be brought to the thing and safe conduct to and fro the thing be asked for him. He shall admit the accusation of murder. Have then one day's and one night's freedom to the woods.

1. If someone is killed between three villages, does each of them claim not to own the land, then they shall defend themselves with two twelfths. If any one of them is found guilty, that one shall pay the fine. Are they all found guilty, then they shall pay a fine of nine marks or bring forward the murderer. Then they shall divide the land among themselves.

2. If a corpse is carried in upon somebody's land, can one track the blood and sign of murder in the direction, where the crime had been committed, then he shall pay the fine, who owns that land.

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<sup>1)</sup> A house or room where a feast or festival was celebrated and where ale was served.

<sup>2)</sup> I. e. those who conducted or were present at the festival.

3. If someone is killed on the land of all Goths<sup>4</sup>), is the murderer not known, bring complaint against the nearest village. Will it not admit the accusation of murder, bring complaint against the next village. It shall defend itself with two twelfths. Likewise shall the third defend itself. If they have all been acquitted, then the county, that is nearest, and which gets its provisions<sup>5</sup>) in that forest, shall pay the fine. It shall pay a fine of nine marks or bring forth the murderer.

## 15.

Someone falls under a millwheel, is killed thereby, pay a fine of three marks, he who owns the mill.

1. Falls someone into a well or a ditch, or from a fishing dam, is he killed thereby, the owner shall pay three marks for him.

2. Runs someone onto a bear spear or elk spear, is killed thereby, the owner shall pay three marks for him.

3. Someone raises up a tree and it falls down, is someone killed thereby, pay a fine of three marks, he who raised it.

4. Gores a bull,  
cuts a boar,  
bites a dog,  
death results,  
pay a fine of three marks.

## ÞÆTTA ÆR OF SAREMALUM BOLKÆR.

*This is the code on wound cases.*

## 1.

If someone is wounded by another, then the wound shall be announced at the first thing — (Knows not whether one pleads the cause of one living or dead) — and on the second thing, but on the third bring complaint of murder, or the case is lost. Then he shall show the wound, then the thingmen shall testify to, that it is a full sore. Needs he for it salve and bandage, linen and

4) Aldra Göta mark: All Goths' land. A large forest in Västergötland, which was common property.

5) That is lumber, feed, hay, pasture and the like.

doctor's fee, then it is a full sore. Then they shall set for him a oneday and evidence be brought against him with two twelfths, and the testimony of three thingmen, ask the gods to help himself and witnesses, that this is his true woundinfliker "and so I brought complaint against thee at the thing."

Then shall he, who wounded, bring forth legal offers for himself; nine marks. On the sǣgnarthing bring forth fines and ask for receivers. Then he shall let himself be judged in peace. Pay a fine to the county of nine marks and just as much to the king. If he is guilty and does not offer a fine, then shall the county take it out by judgment, or he shall lose his freedom.<sup>1)</sup>

## 2.

If a false accusation is made in a wound case, then there shall be appointed at the time a jury of three men from the Fourth<sup>2)</sup> to swear, that the accused is not his true woundinfliker and was not present with illwill at the place of assault.

## 3.

Any man from within the kingdom<sup>3)</sup> shall be entitled to the same right in wound cases as one from our own state.

1. A Dane and a Norwegian are entitled to the same fines in woundcases as one of our own countrymen.

## 4.

Cuts one man the hand off another, pay nine marks for sore and twelve öre for maim. For the next finger, nine marks for sore and six öre for maim. For the longest finger, nine marks for sore and a half mark for maim. For the finger that is next, nine marks for sore and one öre för maim. For the little finger nine marks for sore and one öre for maim.

2. Cuts one the nose off another, pay three marks for maim and nine marks for sore.

3. Cuts one the eye out of the head of another, pay three marks for an eye, and nine marks for sore.

4. Cuts one the ear off another, pay three marks for maim and nine marks for sore.

5. Strikes one the teeth out of the head of another, impairs his voice, pay three marks for maim, and nine marks for sore.

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1) Friþ flya: To flee peace, i. e. leave the country, lose his rights to personal liberty.

2) Fiarþung: Fourth, one of the four parts into which a hærþap or county was divided.

3) I. e. the kingdom of Sweden. From any other state in Sweden outside of Västergötland.

6. Castrates one man another, nine marks for maim and nine marks for sore.

7. Cuts one the toes off another, the same fine shall be paid as for fingers.

8. Maims shall stand for one year. Then they shall be examined to see if they are really maims, and maimfine be exacted. The same rules shall hold good for maims by accident as for intentional maims.

5.

If a Southerner or an Englishman is wounded, they shall have as fine one örtug less than eleven öre, and the king one örtug and five öre and likewise a freedman. Each freeholder gave the other his right in this case.

6.

A slave is wounded. The wounder shall pay one mark for it. No one except the plaintiff has a right to fine in this case.

1. Wounds someone's freedman or slave a free born man, then one shall seek to have him declared without rights. Will he rather take a fine than do anything to the man, pay him a fine of three marks.

## AF VAÐÆSARUM.

### *On wounds by accident.*

If someone is pierced through or wounded in the stomach by accident, pay as fine therefore three marks for entrance and three marks for exit. 1)

1. Someone is cut in the head, can the membrane about the brain be seen, do both call it accident, pay a fine of three marks.

2. Do the edge of the weapon and the bone of the leg meet, pay a fine of twelve öre.

3. Someone thrusts something through the fleshy part of another's body, pay a fine of six öre for entrance and six for exit. 1)

4. If a man is wounded by accident, comes the weapon nowhere out, that

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1) I kum . . . . ur kum: Entrance . . . . . exit. The meaning is, that if a weapon is thrust through a person's body in such a manner, that it causes two wounds, one where it enters and one where it comes out, then a double fine should be paid.

is six öre, if it is a wound by accident. It is not a wound by accident unless both so wish.

## 2.

The same fine shall be paid for wounds to the young as to the old, and the same for the woman's as for a man's wound. A woman shall pay the same fine that she takes.

1. One child wounds another, that shall not be called anything else than wound by accident. That shall command such a fine as before said, six öre.
2. One child kills another, pay a fine of nine marks.

## 3.

A slave is wounded by accident, is not able to work for his master, lies in bed eight days, then shall the wounder pay a fine of one örtug. Does he stay in bed sixteen days, pay a fine of two örtugs. Does he stay in bed twenty-four days, pay a fine of one öre. Though he stays in bed longer, his master gets no more for that.

1. A doctor's fee is to be paid, that is three öre. Not more unless he dares swear with twelfth-oath, that he gave half a mark.
2. A slave's maims shall be estimated, as much as he is worse, so much less shall be paid for him, and likewise for a freedman.

## 4.

A freeborn man is lightly wounded, and needs for it neither balsam, nor bandage, then he has the right to get an equalizing oath with settlement: "So help the gods me and my witnesses, that if I brought such a complaint against thee, as thou now bringest against me, then I would be content with such conditions as I now offer to thee."

## 5.

A dog or other animal wounds someone, the owner shall pay a fine of two öre for sore and three öre as doctor's fee, unless he does show by a twelfth-oath, that it was half a mark.

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## ÞAETTAE AER BARDAGHAE BOLKÆR.

*This is the code on assault.*

## 1.

If someone is struck and a breach of peace committed 1) then he shall announce the case at his home, who assaulted him, and set a seventh-night-thing. 2) On the seventh day shall the seventh-night-thing be held, a true seventh-night-thing with them, if they wish. Then shall he let be brought forth eyewitnesses' testimony, that his honor was belittled and his personal peace and security broken. Then the other shall bring forth reference testimony 3). Then he shall be called before the thing of all Goths 4). Then he shall be called before the oneday thing at his home, thingmen's testimony be taken, to prove against him a case of assault with two twelfths. Then shall the eyewitnesses take oath with two twelfths. Then shall he bring forth a legal offer for himself, if he wishes to defend his freedom. A jury from the Fourth if he is falsely accused.

1. If he offers legal fines, that is eight örtugs, and five marks. One örtug less than eleven öre shall the county have, and likewise the king. At the sæg-narthing he shall bring forth a legal offer for himself, and then let himself be adjudged peace.

2. Will he not offer fines, then shall the plaintiff let himself be judged at the thing, prove by eyewitnesses that he accomplished all on oneday against his peace, that the law demands. Let him then be declared an outlaw at the thing.

1) Friper a brutin: His peace broken, disturbed. His personal freedom infringed upon.

2) Siunætting: Seventh-night-thing. A thing held on the seventh day after the day on which it was announced.

3) Skærskutæ vitni: Reference testimony. The testimony of the witness, that the case had been referred to him for inspection and consideration. Skærskutæ: to refer to present or invited witnesses.

4) Aldra gotæ ping: The thing of all Goths. The original home of the Goths (Gautar) in Sweden was Västergötland. The highest tribunal of the land was aldra gotæ ping. And even after the Goths had spread beyond the boundaries of their native state and established separate jurisdictions in the adjacent states, the landsping or supreme court of Västergötland was called by its old name: Aldra gotæ ping. At this thing all freemen had a right to appear, and here the lawman (laghmapær) was always present. The laghmapær was an important person. He was not only the chief justice of the state, who gathered and made the laws and yearly read them at the thing, but it seems also, that he was in fact a governor or petty king.

## 2.

A man assaults an Englishman or a Southerner, pay as fine therefore to the plaintiff one örtug less than seven öre, and four örtugs to the king.

1. The same fines are paid for a freedman, and six öre for a slave, if he is assaulted.

## 3.

An adult assaults a minor, pay a fine of two öre. A minor shall pay the same fine as he takes.

1. Two minors fight, one is wounded, pay a fine of two öre.

## 4.

A freeholder assaults his wife at the alefeast, pay her three marks. Does he assault her in church, pay three marks. She shall add that to their common property. Take it out, if they are separated by divorce or death.

## 5.

A man is hit by accident, neither blood nor blueness appears, that is called the black hit. 1) He has no right to fine in this case.

## 6.

If a man is falsely accused of murder, the judge of the county shall defend him with two twelfths jurymen from the county.

## 7.

Are the fines for someone's freedom unpaid, then shall a division of property be demanded and the debt paid, to no one more than three marks.

Then the wife shall take her third and three marks as a morninggift. 3) Then the heir has right to take one half of what remains. What remains shall then be divided into three parts, the plaintiff takes one, the king the second and the county the third part.

## 8.

A woman kills a man—*by poison or witchcraft*—a closed jury convicts her, then she shall have one day's and one night's liberty to the woods. Then she

1) Ölbænk: Aleseat. Seat where one sat at the alefeast.

2) Suartæ slag: Black hit. A dim mark, which does not plainly show, and which therefore was doubtful.

3) Hindradaghs gæf: Morning gift. So called because it was given in the morning of the day after the marriage, or, in some cases, because ownership in this gift did not pass to the bride before the morning of the day after the marriage.



shall be judged without right for heir and plaintiff, and then they shall take her life.

## 9.

A man is wounded, lies sick a long time, gets worse and dies therefrom, does the heir bring complaint against the one who wounded and calls him the murderer, then he shall defend himself with a closed jury, if he, who is wounded, dies within a year. Lives he longer, pay no fine. Does he fail in his evidence in the case, pay fine for the man.

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## ORBOTÆMAL.

### *On felony or capital crime.*

A man kills another in church that is felony<sup>1)</sup>, capital crime.

1. A man kills another at the thing, that is felony.

2. A man breaks granted peace and set agreement, seeks revenge on a thief or retaliates for punishment administered by the thing, by assault or murder or burning, that is felony. He has forfeited land and personal property.

3. A man cuts both hands off another, or murders a sleeping man, that is felony.

4. That is felony to carry shield over native shore.<sup>2)</sup> Ravages one his own country, he has forfeited land, citizenship and personal property.<sup>3)</sup>

5. A man ties another to a tree in the forest, that is felony.

6. A man shoots through the skylight and kills someone, kills one while bathing, or in a bathhouse, or when attending to the needs of nature, stings out both eyes on someone, cuts the tongue out of somebody's head, cuts both feet off someone, or kills a woman, that is all felony. A woman has always freedom to attend meetings or mass. Never are so great strifes among men, *that this is not allowed.*

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1) Nipingsværk: The deed of a villain, felony, a crime usually punished by exile or death.

2) Pangbrækka: Seaweed hill, or native shore. Schlyter claims that it can mean nothing but forest. Otman and others take it simply to be a poetic expression for native shore.

3) Lösir örær: Money or other personal property.

7. A man kills his master, that is felony.
8. A man kills another at the alefeast with a knife, while he shares with him knife and meat, that is felony.
9. A man cuts down the cattle of another, makes himself a gore-wolf<sup>1</sup>), that is felony.
10. A man boards a battleship, becomes a pirate; a man knocks another man down, steps on his throat and head and plunders him, that is felony.

### ÞÆTTÆ ÆR ÆRFÐÆR BOLKÆR.

*This is the code on inheritance.*

#### 1.

Son is father's heir. Is there no son, then daughter. Is there no daughter, then father. Is there no father, then mother. Is there no mother, then brother. Is there no brother, then sister. Is there no sister, then son's children. Are there no son's children, then daughter's children. Are there no daughter's children, then brother's children. Are there no brother's children, then sister's children. Are there no sister's children, then father's father. Is there no father's father, then mother's father. Is there mother's mother, or father's brother, then mother's mother takes and father's brother goes from.

#### 2.

A mother inherits her son, until the only son dies. Then the daughter is entitled to the inheritance equally with the mother.

1. Has the mother two groups<sup>2</sup>) of children, dies the only son of either group, then shall the daughters, who have the same father with him be invited to divide the inheritance with the mother. The one take as the other.

#### 3.

Mother's father and father's mother are equal heirs. Mother's brother

<sup>1</sup>) Gorwarghaer: Gorewolf. One who kills another man's cattle, or wounds them in such a way, that the entrails fall out.

<sup>2</sup>) Koldær: 1) All the children collectively, who are issues of one marriage. 2) Relatives on the father's or mother's side. 3) In pl. groups of children having the same mother but different fathers or vice versa.

and father's sister they are equal heirs. Daughter's son and son's daughter, they are equal heirs. Sister's son and brother's daughter, they are equal heirs.

1. Groups shall divide the inheritance in two, a half on the father's side and a half on the mother's, if both are equally related.

## 4.

The husband dies, the wife is in possession of the home, it is claimed she is pregnant, she shall remain in possession of the home twenty weeks. Then it shall be ascertained if she is pregnant. Is she not pregnant, then the property shall be divided.

She shall remain in possession of the home until the nearest moving days.<sup>1)</sup> Is the freeholder dead before the movingdays, then she shall move. Has she seeded, enjoy that. She bears a child, the child is baptized, then she has protected the inheritance.

1. The freeholder has a son, the wife is heavy with child, then they shall both be in possession of the home.

2. A wife marries away from her children, do the children own a slave or slavewoman, this one may be put to manage the home. Then shall the relatives on the father's side take away the children's part, father's brother shall plead the cause of the children, and a slavewoman, raised at home, shall be made manager of the home.

The mother shall have power over the chestkeys and incur as well as pay debts. Is there a mother's father, then he shall rule and not the father's brother. Is there father's father, then he shall rule and not the mother's father. One must not separate a mother from the home, if there is not a slavewoman raised at home to put at the head of the house. The mother shall visit and inspect the home three times a year, if it is in charge of a steward.

## 5.

A man takes a freeborn wife, begets children with her, she dies, gets another, begets children with her, gets a third and the freeholder dies, then if the wife is living, she shall take of her dowry<sup>2)</sup> all what is not used up, she or her children. Then shall the oldest group of children demand a division of property. Take away one third of the property.

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1) Fardaghæ: Movingdays. These were four and were fixed by law. The first one was January 5th, and the last one came about the middle of March.

2) Hemfylgd: Dowry. Presents given by parents to a daughter, when she was given in marriage. Gifts to a son when he married were called hemgæf.

Then takes the next group its mother's share and puts it back for division, then takes away its third, whether it be the woman or the youngest group, then shall that — *i. e. the dowry*, be laid back to the house, then take away their third. Then shall a morning gift be paid to all. Is the property not sufficient for this, then one shall lack just as much as the other.

## 6.

A widow marries a second husband, she marries a third, dies the wife, has children in this marriage. Then shall the youngest group inherit all personal property, and that land, which is bought on the farm.

1. A widow marries, gets no children, then she marries all her former children to inheritance.

## 7.

A freeholder gives his daughter in marriage with marriage gift<sup>1)</sup> and agreement, then if they disagree, he shall prove with two twelfths, that she was so married as the law says, and therefore her children are legal heirs.

## 8.

A man leaves his lawful wife and goes into the bed of another woman, begets children with her, they are bastards, are not lawfully the father's heirs.

1. The relatives of a freeholder, who has died, accuse his lawful wife of, that he was not the father of this child. That one shall own the child, who every night sleeps with her, and is married to her according to law.

2. A woman has one illegitimate son and one legitimate, they shall both inherit her, the one as the other.

3. A man lies with a woman, begets child with her, that is a legitimate child, if he afterwards by marriage gift and agreement gets her, begets also a child, that is a legitimate child. If he rejects that woman, then he cannot live with her according to God's law. If he afterwards visits her by stealth and begets a child with her, that is an illegitimate child, inherits the mother, and not the father.

## 9.

A man enters a cloister, he shall divide his property with his heirs. He takes one part and his heirs another. As many as the heirs are, into so many parts shall it be divided. Enters he the cloister with his part, dies he in the cloister, the cloister is his heir.

1. If he wishes to leave the cloister within a year, he has the right to do

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1) Mundr: Marriage gift. In this connection the same as hemfylgd.

so. If he stays one year, then he may not leave it, and can inherit no one, and his relatives shall not be responsible for his deeds.

## 10.

No one can lawfully give away his property on the day of his death. But learned men say, that one should not say no thereto according to God's law.<sup>1)</sup>

## 11.

One man kills another, wishes to inherit him, he shall not be his heir. If he killed him by accident, he shall defend himself with a closed jury. Is he successful in his defense, he shall inherit. Fails he at law, then another shall inherit, *namely* the nearest relative to the murdered one.

## 12.

A man leaves the country, appoints a steward over his possessions, says he is going to Rome, then shall the steward care for the estate one year, then the heir shall take charge, and not the steward any longer, unless the heir so wishes.

1. A man leaves the country, the wife remains at home, has she one child on her lap and another in the womb, is it baptized, turns he heel and neck to home — *friends and relatives* — and steps with feet from fatherland, they shall be his heirs, who were nearest related to him, when he left home, if he never returns.

2. He can inherit no one, while living in Greece.

## 13.

Two men lie sick, both in the same house, each the other's heir, lives one so much longer than the other, that he can receive the Lord's supper, then he is the dead man's heir.

1. Someone dies in one village, and another in another village, both on the same day, men go to tell the news and meet, each tell the other of their dead, no one is the other's heir.

2. Two men burn to death, both at the same time, no one is the other's heir.

3. Drown two, both on the same ship, neither is the other's heir.

4. Two separate at home, one goes on a ship or to the woods, dies the one at home, and the one, who left home, is found dead, and it is not known on what day he died, neither is the other's heir.

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<sup>1)</sup> The last sentence is evidently a late addition by some one interested in the material welfare of the church.

## 14.

An Englishman dies in our land, the nearest of kin is not present, then his property shall remain one year. Has the heir not then arrived, then the king shall be the heir; the bishop, if the dead was a priest.

1. A German dies, are there no children, then shall the king inherit; the bishop, if the dead was a priest. That is called death inheritance.<sup>1)</sup>

2. Somebody dies and his heirs are not found, then the king is his heir.

## 15.

Thus it is, if a woman kills her stepchild to get inheritance for her own children, then defend herself with a county jury. If she fails, then she has destroyed herself and forfeited her liberty. Will her son not allow her to be outlawed, then he shall pay to the relatives such fines, as they wish, who own the children, or let them take her, where they can.

## 16.

Two persons are united in marriage, either of them inherits afterwards, brings it to the home, that is added to the household stock, receives nothing in return. That which lives<sup>2)</sup> — *at the time of inheritance* — belongs to the one, who inherited it, and that, which is born by it, belongs to both.

1. Horses in herds, grazing in the woods, all the foals born by them belong to both.

2. If anyone — *a man or wife* — inherits a farm, can neither steward nor matron take charge thereof, then the two shall together own the crop. For that reason does a man seek for himself a wife, who stands chance to inherit, for the same reason a freeholder marries his daughter to a man, who expects to inherit, because they both desire property.

## 17.

A steward, who has charge of anybody's property, is subject to the mercy<sup>3)</sup> of that freeholder, who owns the estate. Rides in and runs out, gets

1) Danar arf: I. e. inheritance to which there was no heir, and which consequently was considered dead. The terms *dana arfvar* or more properly *danar arf*, in which latter form it appears in the Law of Upland and the Law of Västmanland, had at first reference only to heirless foreigners, who died in Västergötland — or Sweden. Later it meant inheritance after anyone, who died there without an heir. The dead person's property in either case went to the king or sometimes the bishop.

2) That is of cattle or horses etc.

3) Miskunnar mapar: Mercy man. It depended upon the good will of the owner, whether the steward would receive any reward for his labor or not.

not more than twelfth-oath, that he has all that out with him, which he owned.

1. The freeholder claims, that he has hid property belonging to both, and put it away, then he shall testify with twelfth-oath, that he has brought forth all. He must not be called thief, that is property in trust.

## 18.

A freeholder dies, his wife lives, dwells on his land, he dies before the movingdays, then she shall go to her estate, and enjoy half of it with the tenant. He has a right to prove himself entitled to one year's rent and no longer. The wife takes a third of the property and three marks of his part, also timber and mill outfit. That shall be divided as the other property.

1. Debts shall both pay and both collect, each as he shares in the property, whether they were contracted before they came together or afterwards, except in a case of murder only.

2. Fines for wounding and assault, gifts and marriage presents<sup>1)</sup> both shall pay as well as receive.

## 19.

One brother travels as a merchant, and another sits at home in the ashes, both shall inherit alike.

## 20.

Entrusted property is stolen and the freeholder's, to whom it was entrusted, likewise, pay no fine for it. He shall testify with twelfth-oath, that his property was also stolen.

## 21.

Has the father given his son a marriageportion<sup>2)</sup> and the father dies, then the married son shall bring his portion back to be divided with him, who is unmarried. To this one shall be apportioned a lot equal to the one, which he brought home, who is married. Daughters shall divide in the same manner as sons, if heirs. If the married one has sold any of his land, that shall be counted in his portion, when division is made.

1. A married son, living away from home, dies, has no children, and are the father and mother separated with reference to their property, then the

1) Vingæf: A gift from the groom, promised at the time of betrothal and given at the time of marriage to the one, who had a right to dispose of the woman in marriage.

2) Hemfylghþ and hemgæf: Dowry or marriageportion. Gift to a son or daughter, when they married.

father shall inherit and not the mother. The father shall give land as marriage portion. Mother must not give away land, belonging to her own child.<sup>1)</sup>

2. Son dies, leaves children, has he been given a home on the parental estate, the children have a right to take possession of that and no more.<sup>2)</sup> Is there but one estate, the children have no right to take possession of that. Are there two dwellings and a fence between them, then it is two estates. Someone claims one single field or one single meadow, he has no right to that, unless that one is willing, who is said to have given it to him as a marriage portion.

3. Debts shall be divided in the same way as property.

Entrusted property shall be received as well as returned at the thing.

## 22.

Someone wishes to free a slave, he shall appoint a seventh-night-thing for that one, who has him in his possession, offer him two öre in gold or two weighed marks<sup>3)</sup>, bring forth testimony at the seventh-night-thing, that he is so related to him, that he has a right to free him according to law, and prove this by twelfth-oath. After that the owner can not keep him, unless he claims him to be his child. Does he keep him until the sægnarthing, then he risks being fined nine marks.

## 23.

A freedman has a child with a freeborn woman, or acknowledged at the thing, that inherits him and not the one, who made him free. Is there a son or daughter, father or mother, brother or sister, the one who freed him inherits nothing. Are there none of these, then he, who freed him, shall inherit.

## 24.

A tenant dies before the moving days, then are two parts of his property loose, dies his wife, then a third of his property is loose. Rye is sown on the farm, then shall he, who owns the farm, pay the heirs so many bushels as have been seeded thereon.

1) Skæptærv: Breast heir. One's own child.

2) *Ok eigh til flæræ* translated by Otman: *och ej till det flera*, but by J. S. Carlson: *och ej mer*, which seems to be in full harmony with what proceeds and follows, hence as above: and no more.

3) *Tua öre guls ællær tuar mærkær væghnær*: Two öre in gold or two weighed marks (of silver). An interesting statement, as it shows the ratio between gold and silver at this time, which if one öre in gold was equal to one mark of silver, and one mark contained eight öre, must have been eight to one.



1. The landowner dies, then shall the tenant remain until the time for which the land was rented, is ended, or the heir pay him back the handfee. 1)

25.

A freedman dies, say those who own him, that he was married to two parts, then they shall pay his wife one mark as morning gift, if they dare prove, that he was married to two parts. 2)

## GIPTAR BOLKÆR.

### *Marriage Code.*

The king wishes to ask for himself a wife. Is it outside the kingdom, then he shall let his men go thither and present his errand and receive pledge. Then the king shall prepare for the bridal trip. The king shall go to meet her and give twelve marks in gold or two villages as security.

2.

A freeholder's son wishes to ask a wife for himself, he shall visit the nearest relative and begin his asking. He has the right to appoint a betrothal meeting. At this meeting shall the amount of property be agreed upon, land determined, if there is land, and all that they wish to give. Three marks shall be a legal friendgift. 3) As soon as the betrothal is performed and the hands have been joined, then all the betrothal presents 4) are won, but the friendgift not before they come upon the same mattress and under the same quilt.

1. If the engagement is broken, the bishop is entitled to three marks.

1) Tilgæf: Handfee. A certain sum of money or property paid by the tenant, when he rented the land.

2) Til tuæggia lota gipter: Married to two parts. At a marriage the giptarmapær decided as to what share each should have in the property, whether the wife should have a right to one third or one half, etc. of the property. And so many parts of the property as each should have, to so many parts were they said to be married.

3) Vingæf: Friendgift. A gift by the groom to the giptarmapær at a wedding.

4) Tilgæf: betrothal presents. Gifts to any of the bride's friends except the giptarmapær.

## 3.

If a man's betrothed woman is taken from him, then a fine of nine marks is due the nearest of kin, the same to the groom, the same to the king, and the same to all men.<sup>1)</sup> Live never with her. They shall have power over his freedom. He shall never regain his freedom unless they wish, who are plaintiffs in the case.

## 4.

A freedman gets a freeborn wife, then one mark is a friendgift and one mark morninggift. Their children are freeborn.

1. Wherever there is a morninggift there is a division into thirds of their property. If morninggift is not given, then she shall have the right to one third and three marks.

2. A freedman takes a slavewoman raised at home for a wife, is neither friendgift nor morninggift given, then she marries to one half.

3. A slave wishes a slavewoman for a wife, pay two öre to the one, who owns her. A slave, having an illegitimate child with a slave woman, has no right to that child.

## 5.

A man accuses another of that he has lain with his slavewoman, then he shall furnish a twelfth-oath or pay six öre.

1. A wife has committed adultery, and the husband brings accusation against her, then she shall defend herself with seven men of the jury.<sup>2)</sup> If she is cleared, pay to her a fine of three marks. These she shall add to the common property.

They are hers, whatever may separate them, divorce or death. If she is not cleared, then she shall go away from home and property rights in her everyday clothes.

## 6.

A man betroths a widow and brings her home and begets children with her, in that case no one has right to fine. Thereupon a child is born, has the wedding feast been held, that is a freeborn child, because wooed widow is called caught.

1. Wooes somebody a maiden, has secret intercourse with her, he is liable to a fine of six marks to her father.

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1) i. e. the county.

2) Mæp siu mannum of næmdinni: With seven men of the jury. That is a majority of the næmd (jury), which consisted of twelve men.

2. Someone lies with a woman and betroths her afterwards, promises a friendgift, then the intercourse is lawful.

3. Someone lies with a freed slavewoman, raised at home, pay a fine of twelve öre, for a slavewoman six öre, for a freeborn woman six marks. He, who has a child with a slavewoman, shall support her, until she is able to pull the mill and milk the cow.

She dies in childbirth, pay a fine of three marks.

4. Secret intercourse with an unmarried woman, whether free or slave, shall be defended by twelfth-oath.

## 7.

Relationship exists between two persons united in marriage, then it shall be investigated at the thing, and permission be asked from the bishop to swear with twelfth-oath. Ask the gods so to help oneself and witnesses, that "our relationship is such, as now I have told. Therefor I cannot live with her according to God's law." A freeholder brings complaint as to himself of having for a wife a relative, which he cannot have according to God's law, then prove that with two twelfths. Does he fail, then he shall live with her.

## 8.

A man lies with his daughter, such a crime shall be punished by sending the offender to Rome. Father and son have the same woman, have brothers the same woman, have two cousins on the father's side the same woman, have two cousins on the mother's side the same woman, have mother and daughter the same man, have two sisters the same man, or brother's daughters the same man, that is incest.

1. A woman murders her child, a son his father, or father son, or brother brother, or cousin on the father's side his cousin, or cousin on the mother's side his cousin, or father his father or his mother's father, or his son's son, or his daughter's son, or brother's son or sister's son, all such crimes shall be punished by sending the offender to Rome out of the country, with a letter to the pope. They shall get a letter from the pope, and bring to the bishop and let him see, what mercy they received. The bishop shall give them a letter for their tithe.

2. For all lecherous deeds the bishop shall have three marks. Those, who offend against church penance, shall pay three marks fine to the bishop.

## 9.

On the Sunday after the day of Martin's Mass in the evening the lawful alefeast<sup>1)</sup> is held.

1. A freeholder keeps some ones betrothed, then bridemen shall be sent to to him at the alefeast, two men shall be sent to his house to ask safe conduct. Then shall each grant the other safe conduct to house and fro. The clothes shall be appraised and then the marriage ceremony performed.

2. Thus shall the marriage act be performed. As soon as they come both on the same mattress and under the same quilt, then she owns a third in the property and three marks as a morning gift of his part.

3. If he refuses him his bethrothed on three legal alefeasts, then he is liable to a fine of nine marks to the plaintiff, the same to the king and the same to all men.

4. Thus a freeholder shall lawfully offer the bethrothed woman at three alefeasts, in the same manner, that he asks for her.

5. That is legal hindrance for a man or a woman, if they are sick or the bridal clothes destroyed by fire. That is legal hindrance for both, if theft and robbery has gone over them. If he brings the matter to the thing, then he shall let two men state the hindrance. If he is not satisfied therewith, then he shall on oneday with twelfth-oath and two witnesses, ask the gods so to help him and his witnesses that "he had legal hindrance and for this reason I can not give her to thee in legal marriage".

6. If he wants to defend her against him, then he shall step forth with two twelfths, ask so the gods to help him and his witnesses that "their relationship by blood or by marriage is such, that they cannot live together according to God's law".

7. He says nay to this, claims not to have betrothed her, then he shall step forth with two twelfths, ask the gods so to help him and his witnesses, that "he did not betroth her in such a manner as law demands in this land".

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1) Mungats tipir: Alefeast. A festival celebrated in every parish a certain day of the year, when the parishioners gathered to drink ale and perform some religious ceremonies, and where it was also decided, at what time during the year wedding feasts should be held.

Schlyter thinks that "mungats tipa daghi" has been erroneously written for "brullops daghi", wedding day.

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## ÞÆTTÆ ÆR RÆTLÖSU BOLKÆR.

*This is the code on lawlessness.*

The Svear<sup>1)</sup> have a right to accept and to reject a king.<sup>2)</sup> He shall come with safeconduct from the upper country and into Östergötland. Then he shall send messengers over here to the thing of all Goths. There the lawman<sup>3)</sup> shall appoint as hostages two men from the southern and two men from the northern part of the land. Then four other men from the state shall be sent with them. They shall go to meet him at Junabäck.<sup>4)</sup> The hostages from Östergötland shall follow thither and testify, that he has been accepted as king by them according to their law.

Then shall the thing of all Goths provide for his entertainment. When he arrives at the thing, he shall swear faithfully to all the Goths, that he shall not transgress the right law of our land. Then shall the lawman first declare him king, and then others, whomsoever he may ask so to do.

1. The king shall then grant liberty to three men, who have not committed felony.

2.

A bishop is to be appointed, then the king shall ask all the inhabitants of the land, whom they want. He shall be the son of a freeholder. Then the king shall put into his hand staff and gold ring. Then he shall be conducted into church and placed in the episcopal chair. Then he has full power except consecration.<sup>5)</sup>

1) Svear (Icelandic Sviar) was the name of the people inhabiting Svealand. (See intr.).

2) That this paragraph is found under the heading "Lawlessness" may perhaps be accounted for by the fact, that the Gautar never liked to have the king of Upsala as their king. The supremacy of the Svear in political matters was very distasteful to the Gautar. The paragraphs relating to the choosing of bishop and lawman, being closely connected with the one governing the choice of king, were then put in the same place, although they otherwise evidently do not belong there.

3) Laghman: Lawman. Chief justice and governor of the state, the most powerful man within its borders.

4) Junabäck: Juna creek. A creek on the border between Västergötland and Småland near Jönköping, where the hostages from Västergötland should meet the king.

5) The meaning evidently is, that he had received all the power of a bishop as an officer of the government, but as long as he lacked consecration himself, he could not consecrate others.

## 3.

The lawman shall be the son of a freeholder. That all freeholders shall have power over by the Grace of God.

1. The king shall appoint a jury for himself and the lawman at the thing.<sup>1)</sup>

2. That is always called the thing of all Goths, where the lawman is. There people may be adopted into families and settlements and reconciliations announced.

## 4.

Someone takes another man's property before he is found guilty, that is a case of three ninemarks. The plaintiff is entitled to nine marks, and pay for his property with sworn oath, the king nine marks and all men nine marks.

1. If someone hews down a man's house, against whom there is no lawful complaint, that is three ninemarks. The plaintiff is entitled to nine marks, and likewise the king and likewise all men.

## 5.

One man calls another a son-of-a-bitch. "Who is that" he says. "Thou" quoth he. "I leave this into the hands of witnesses, that thou addressed me with insulting words," that is a case of one sixteenörtug in each part. He shall call him to the thing and bring forth reference testimony on oneday and prove with twelfth-oath, ask the gods so to help him and his witnesses "that thou calledst me insulting names and thou art guilty of that, for which I bring complaint against thee." Thus shall insults and calumnies be dealt with.

1. Someone calls a freeborn man a freedman, or says: "I saw thee running in front of one, and having thy spear on thy back", that is insulting word, a three sixteenörtug's case.

2. "I saw someone have intercourse with thee." "Who is it?" "Thou" quoth he. "I refer to witnesses, that thou insulted me and calumniated me," that is a sixteenörtug's case in each third.

3. "I saw that you had your pleasure with a cow or a mare, that is calumny and a three sixteenörtug's case. One shall bring accusation against him. There is no denial in that case.

4. "I saw that you had your mother," that is calumny, and a three sixteenörtug's case in each third, and no denial.

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1) This parapraph is much discussed by scholars. It is the expression a *pingi*, that is variously read. Schwartz-Noreen have a *pingæ*. J. S. Carlson favors Vendell and reads thus: "Konung skall sätta nämnd för sig och lagman skall sätta nämnd å ting", which is followed above.

5. This is insulting words to a woman: "I saw that you rode on the pen gate, with hair flowing and in the garb of a witch, when night and day were equally powerful".<sup>1)</sup> Someone says, that she can destroy a woman or a cow, that is insult. One calls a woman a whore, that is insult. Someone says, that a woman has intercourse with her father, or has caused abortion on herself, or has murdered her child, that is calumny.

6. All these cases of sin should first be referred to the priest, and one should not become excited with jealousy or anger, at the risk of becoming liable to a fine of three marks. Called three but are two.

6.

One man robs another by robbing out of the hand, then he shall defend himself with the oath of twelve men, and the testimony of two from these twelve, and then stand in twelfth. He fails in his evidence, pay a fine of three sixteenörtugs.

7.

If one man demands pay from another, then he shall invite the neighbors to be present and hear that he demands pay. Then he may take security from him if he wishes. Has he a debt to collect, then he may proceed as the law says. If they disagree, then he shall name the amount of his indebtedness together with the oath, that he does not owe him any more. The other says nay to the demand, says he does not owe him anything, then he shall swear with twelve men, that he has no debt to pay or present to refund. Is he refractory, pay three sixteenörtugs and the debt.

1. Pawn shall be redeemed by payment of debt and twelfth-oath.

8.

If a man kills horse or cattle for anyone, does he harm or injury to the animal, then shall a seventh-night-thing be set for him and the testimony of eyewitnesses be brought forth. Ask so the gods to help him, that "I saw, that thou didst kill that animal, and didst injure it". Then shall he go before the twelfth, and ask the gods so to help him and his witnesses, that "thou didst injure for me the animal, and thou didst kill my animal, and thou art guilty of that deed." Thereupon he shall pay for it with sworn oath and three sixteenörtugs. Are no eyewitnesses found, defend himself with twelve men. If such an animal was killed, that was worth two öre or more than two öre, that is full cattleinjury. If it is worth less than two öre, then it shall be paid for by twice its value, each according to its worth.

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1) That is, at twilight or dawn.

1. Horse or cattle is killed on the common of another village, is it not known who killed, then he (the owner) shall announce a seventh-night-thing for one of them, and hold it for all, and bring forth testimony on the seventh-night-thing, that its life was destroyed by the hands of man, and because of this, they shall pay for it according to law.

## 9.

Cattle kill cattle, and the herdsman bears witness, pay in full for it with sworn oath, and take he the carcass, or enjoy the meat and hide and take half a pay, he who owned from him who killed. In this case the herdsman is full witness, whether free or slave. If pay is refused him, then shall a seventh-night-thing be set, and eyewitness' testimony be brought forth. Then he shall prepare testimony and demand fines. If his legal rights are refused him, then he shall refer his case to witnesses. Ask the gods so to help him, that "thine animal killed mine in the presence of eyewitnesses, and I made complaint against thee accordingly". Is he not able to carry through his trial with legal testimony, then shall the defendant defend himself with twelve men. Ask the gods so to help him, that "my animal did not kill thine, and therefore I am not guilty of that, of which thou accusest me".

1. An animal falls into the handiwork of man, into a well or a ditch or other such works, and is killed thereby, then one shall pay six öre for a horse, half a mark for an ox, and likewise for cow and mare. In these cases complaint and defence shall be made in the same manner as in cases, when animal has killed animal.

2. Jumps an animal a fence into a fenced-in field or meadow, when no one chases it, is killed thereby, lie there without cause of action at law. If it jumps out of a fenced-in pasture, pay for it he, who owns the fence. Chases someone animals out of a fenced-in pasture, are they killed thereby, are there eyewitnesses, pay fine he, who chased, as is said concerning that which may lie dead in the ditch. Complain and defend in the same manner.

3. If someone maims a horse, or cuts off the hair from its tail, and stings out an eye, pay as fine one öre or defend himself with twelfth oath.

## 10.

All things borrowed shall be returned complete to him who lent, without all controversy.

## 11.

A slave or slavewoman runs away from his master, and commits any injury, kills or steals or robs, the owner shall not pay for the injury unless he



gets his slave back. He gets them back, pay for their crimes according to law, if there are eyewitnesses, or the stolen goods is found in their hands. Is that not found, defend himself with denial according to law.

1. One man lends another his slave, answer he for his deed, who has received the loan, while he is in his care.

## 12.

He who borrows from a freeholder a horse or an ox or a cow, he shall be responsible for all carelessness; that is thief, water, mire, halter and the like,

1. An animal perishes through unforeseen dangers; that is bear, or colic, then one shall not be responsible. For destruction by wolf one shall be responsible as for carelessness, if one does not obtain remnants of the animal. It is six öre for a horse, half a mark for an ox and likewise for a cow and mare. Obtains one remnants, pay not for wolf.

## 13.

Someone leaves his property with another for safekeeping, then he, who receives it, may not lose it, either by stealing or robbery, unless that freeholder's goods and property, who took charge are also taken. Bring forth what he will and swear with twelfth-oath, that he did not get any more of his property to keep, than what he now has produced.

## JORÐÆR BOLKÆR.

### *Land code.*

## 1.

There are five ways of obtaining land: one is inheritance, another is son's dowry, third is daughter's dowry, fourth is buying and fifth is gift.<sup>1)</sup>

## 2.

A buyer shall take two men from him, who sells the land, to be responsible for the surveying<sup>2)</sup> and he two from the other to be responsible for payment

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1) Skötning: Gift. See church code note 5.

2) Umfærd: Survey. This was carried out as follows: The buyer, seller and some witnesses, started from a certain point to walk about the land to be sold, back to the starting point, thus determining its boundaries. Schlyter claims, that it had a religious as well as a legal significance.

They shall take them both in the hand. Then the agreement to buy is completed. Break with three marks, he who wishes to break. One can not break the contract of sale after the surveying. Then a seventh-night-thing shall be set for them, who are responsible for the survey, and for all, who own land in the village. They shall walk around the fields and the meadows and so back again to the house. If that is criticized anywhere, then shall he defend, who sells the land, if complaint is made anywhere before the survey has been done. If the complaint is brought later, then shall he be responsible, who buys. The confirmers of sale shall be eight, the ninth is called chief confirmer.

A seventh-night-thing shall be seven nights old. He shall defend the land, who owns it. With two twelfths and two witnesses shall land title be defended. To the seventh-night-thing shall that one be called, who was responsible for the buying, whether it is found fault with him either as to the payment or the survey. A seventh-night-thing shall be held for him. Dares he testify with a twelfth-oath, that he was not responsible for the buying, then he is cleared. If he fails, pay a fine of three marks for breaking of sale.

1. A title to inherited land is disputed, then it shall be defended with heir witnesses. Two men shall testify and stand in the twelfth. Thus shall the testimony be brought forth: "I testify to this and we two men, that thou didst take this land as inheritance and without complaint, with born testimony bind we thus, as law states". Then he shall go before the twelfth and ask the gods to help him and his witnesses, that "I took this land as inheritance and uncomplained, and I own and thou not at all".

2. If dispute about the land title is brought against him, who has bought, then he shall defend his title with two twelfths and two witnesses. Ask the gods so to help him and his witnesses, that "I bought this land with contract and survey, without complaint and in such manner as the law says, and I own and thou not at all". Then he shall go before the other twelfth and swear likewise. Two men shall bear testimony to the sale in each twelfth.

### 3.

If someone wishes to sell his land, then he shall offer it first to the heir. A seventh-night-thing shall be set for the heir, and then offer him to buy the land. Then he shall be called to the thing and the thingmen shall set a month-meeting <sup>1)</sup> for them. Comes he to buy the land at the month-meeting, that is his right. Does he not come, then the seller shall appear at the thing, have

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1) I. e. meeting to take place one month after it had been announced.

himself adjudged right to sell to them, who offer him the largest price. The same law shall obtain for a woman as for a man in these cases.

1. One shall not go to live in another's house, unless he so wishes, be it a man or woman, who lives at the home.<sup>1)</sup>

2. No one can buy land from his wife according to law, that is called wallbuying.<sup>2)</sup> The freeholder may buy land if he wishes.

3. He, who sells land, shall himself be present at the sale, whether it be a woman, a child or a man. A minor shall announce a sale at the thing.

4. A man buys real estate with personal property, and wishes to sell again for personal property, he shall legally offer the real estate to the one he bought from. He shall pay such a price for the land as is then offered. Will he trade for land, then he need not legally offer it to the former owner.

4.

A wife or a husband sell their land, add not the price to the common property, buys for himself other land, that belongs to the one, who owned the price.

1. A man buys with his land, gives to boot from their common property, as soon as the property shall be divided, then shall so many öre be placed for division as were given to boot.

2. If there is a disagreement between two married people, land is bought with personal property, one says the other does not own any of it, that one has right to prove<sup>3)</sup>, who wishes to prove ownership for both of them.

3. If land is secured and surveyed after two persons come together in marriage, then it belongs to both.

5.

A bishop has right to prove before the king, the king's bailiff<sup>4)</sup> before the bishop and a freeholder before them all. Freeholders own one village, the king's bailiff another, if they disagree, then the freeholders and not the king's bailiff have the right to prove and settle the disagreement between their villages. The freeholders live in the same village with the king's bailiff, they shall not lose their right to prove for that reason.

1) I. e. no one shall be compelled against his or her will to leave one's own home and property to some one in order to receive support from him in the future.

2) I. e. a sale within the walls of the same house.

3) *Ægha vitu*: Have a right to prove, defend etc. The word *vitu* has the following meanings: 1) proof, 2) testimony, 3) power to prove, 4) right to prove oneself free by oath, 5) right of decision, 6) right to keep and use, 7) to have a right to a certain thing.

4) *Lænder mapær*: bailiff.

## 6.

Will someone take land as pawn, then a survey shall be arranged and measure out for him, land for pawn, as law says. If he redeems within three years, then the land is not lost by foreclosure. Does it stand three years or more than three, then it is lost.

1. Gives someone another kind of pawn, gold or silver, then he shall set and hold for him a seventh-night-thing, that he may redeem his pawn, and demand payment of debt. He shall pay the debt, and then take his oath, that the debt is not larger, than is now sworn. Will he not pay the debt, nor take the oath, then shall the other keep the pawn, and bring it to the thing, let it adjudge him right to sell it.

## 7.

Someone buys a farm, are separate fields bought therefrom, is there a dispute, then shall the owner have no right to prove except for one field. Then shall the owner of the farm advance with two twelfths, and ask the gods so to help him and his witnesses, that "this part was never sold from this farm with confirmation and survey and not disposed of, as the law says."

1. One says, that he has inherited a field part and another, that he has bought it, that one has right to prove, who says, that he has inherited.

2. One claims to own an outlying part and another the estate itself, that one has right to prove, who owns the estate. Outlying land 1) and fences shall all belong to the farm according to law.

3. Someone has a home in the village and a one öre field and a six load meadow, 2) then he has a right to outlying land and to forest. Owns he less than one eighth part of an eighth, then he has a right to leaf and grass and brush. Does one not own one eighth part of an eighth, then one cannot adjudge to him *outlying land and forest*.

## 8.

A village shall be built in eighths. Four roads shall lead out from a village. Gates and fences and bridges shall be divided among the eighths.

## 9.

If the churchyard and dwellingyard meet, then shall the parish fence and not the lot. If a field and a lot meet, he shall fence, who owns the lot. Fences

1) *Utskipt*: Outlying land. Land that was separated from the estate by other land, and hence lying apart therefrom.

2) *Öres land*: A field worth one öre; *sæx lassa æng*: a meadow that brings six loads of hay.

between the lot and the field shall stand closed 1) on Ascensionday. Share-fence<sup>2)</sup> between two lots shall always be in perfect condition, but no one shall pay for it, if not the one owner brings complaint against the other.

## 10.

Landmark stones: two shall be dug into the ground, the third placed on top of these. They shall testify, which lie in the ground.

1. A house may be built so near the border, that there is place for props and eavesdrippings between.

## 11.

Moves someone his house away from the lot and cultivates this, then it shall be called field and not lot. One shall then seek to be freed from participation in the fence, that was between the lots, perfect and not imperfect.

## 12.

A road runs between two lots, it shall be twentyeight feet wide. Has anyone a road over another's lot, he shall lay out the road for him, from his lot as he wishes, not in a ditch, nor in a bog, nor upon the mountain. Half of the road shall each lay out between the lots.

1. A funeral way shall be laid out to church. A corpse cannot be brought over another's lot without his consent, without becoming guilty of a fine of three sixteenörtugs.

## 13.

Someone goes to dwell in his field or meadow, then he shall fence about himself. Someone has a fence in front of him, then shall he legally demand by a seventh-night-thing and twelve men's oath, to have it torn down, and let bring evidence, that this fence stands in front of his dwelling place, so that he has no road out therefrom. Does he not tear down the fence before the day of the seventh-night-thing, pay three sixteenörtugs, and the other one removes the fence, according to decision of the thing, and let himself be adjudged to keep the fence in order, so long as his dwelling place is there.

1. Does he move his buildings, then he shall seek to be freed from the fence in the same way that he formerly sought responsibility, let him have judgment for perfect fence and not imperfect.

2. Builds someone a house in an open field, where other neighbors have land round about them, he cannot dwell there lawfully. They shall set and hold for him a seventh-night-thing, bring forth evidence that "he dwells in an

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1) That is, the fence should be in good condition.

2) A fence which should be kept in order jointly by two neighbors.

open field and causes a cattlepath over field and meadow therefore he cannot dwell here lawfully." Then he shall be called to the thing, appoint for him a oneday, testify with two twelfths, let on the sagnarthing decree to move away the dwelling, tear down and not burn.

3. Brothers divide their land, builds the one on the grass rim of a field or meadow, lies field to field, he has equal rights to prove with him, who lives in the village.

4. Builds he outside on the village property, fence about himself. Builds he on the pasture land, fences about himself for three winters or more than three winters, then he has the right to carry the axe to the woods, to brush and to pasture. No one has a right to land inside of his fence and he has no right to the common outside of his fence. This is called islandhome. 1) He may not be tied in a sack. 2) Do the neighbors wish to make an enclosure in front of him, then they shall lay out for him a road to the common, fourteen yards wide. They shall make the fences who own the land on the way to the common.

## 14.

No one can make an inclosure by fences, unless they are all agreed, who own one eighth part of an eighth. As soon as it is fenced in, then he who wishes, shall have a right to demand survey of the land, and set a seventh-night-thing at some one's place and hold it for all of them, who own land in the village. Then he shall call them to the thing and appoint a oneday, bring forth thingmen's testimony on the oneday, and then swear that "such judgment came in his case at the thing, that he should stand here today and with a rope divide the land among the eighths." After it has been divided by roping<sup>3)</sup> among the eighths, then one shall refer it to the thing and at the sagnarthing cast lots, if one does not wish earlier, then adjudge to each eighth according as fell the lots with thing testimony. Thus shall all divide among themselves land and fences, if they do not wish to divide in any other way.

## 15.

Someone claims to own a part of a pasture land, is there no fence round about, say the neighbors no thereto, do some say it is common property, then they have a right to prove, who wish to adjudge the land to be common prop-

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1) Holmstopt: Island home. A dwelling surrounded by the common as an island with water.

2) He must not be shut in, so that he cannot get out.

3) Measured off by rope.

erty, and they shall defend it by two twelfths and two witnesses. Ask the gods so to help them and their witnesses, that, "this land about which we disagree is the common property of all the neighbors and not thine only."

1. There is a dispute between a separate farm and a village about common ground, then the village has a right to prove and not the farm. Half a dozen freeholders shall be found in a village, if it shall be able to prove itself a full village. Two freeholders shall testify in each twelfth. Is it a mound village 1) built in heathen times, then shall two freeholders of those who did not testify, each go before their twelfth, ask the gods so to help them and their witnesses, that "their village has been a full village in heathen times and christian times, and therefore it has equal right to prove it with the other village according to law." If a man owns a whole village, is there a church and half a twelfth of men living there, then he may prove it to be a full village.

## 16.

If there is disagreement concerning landboundaries between villages, then they shall inspect the boundary between them, each village go to its mark, so considered. One shall not claim the boundary to be within the fence of another, where the fence has been standing three winters or more. The village has a right to that. They shall go together and let evidence be brought forth at the place, which it does claim. Is the one richer with reference to witnesses, then he shall have right to prove. Have they both just as many witnesses, then shall the county arrange for a commission from the thing. Does the commission agree, then judgment shall be passed in favor of that village. Do they not agree, then a commission shall be appointed by the state and decide between them.

1. If the state and county disagree, the state shall have right to prove, and these counties shall have right to prove, which do not get their provisions from the land, about which there is dispute. It shall be defended by two twelfths of jurymen.

2. If there is a disagreement between the county and the village, the county has the right to prove.

## 17.

One village wishes to fence in its land from the land of another village, they shall erect a fence, who wish to fence in, and seek thereupon to be freed from half of the fence, perfect and not imperfect.

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1) Höghæ byr: Mound village. The mounds were burial places in heathen times, and a village with such a mound in or near it was called mound village.

1. Someone wishes to plow up a fallow, then shall he, who wishes to take up, make a fence, then seek himself free from it perfect and not imperfect. Plows someone a separate field, he shall himself fence around it.

2. Someone wishes to enclose his pasture, then he shall make fence between the pastures. He is not allowed to take in another's cattle, without becoming liable to a fine of three sixteenörtugs. And that village is called grass sparer, which so does.

3. Flows water between two estates, fence each about his allodium, and may they meet in the center of the stream.

## 18.

Owns a man an only share in another village, they have right to prove who live in that village, how large it shall be. That is called land with no right to prove, if it is not defined by grass strips and land marks. One cannot nevertheless lawfully testify away the whole field from the owner.

## 19.

If anyone wishes to move the landmarks, claim that they lie in the wrong place, then shall a seventh-night-thing be set for this, a call to the thing be sent out, and a oneday be appointed. Dares he, who disputes with him, defend himself with two twelfths, that this landmark lies in the right place and not in the wrong.<sup>1)</sup>

1. Whosoever breaks up grassrim or landmark, he is by other men called an out-of-earth-digger. He is liable to a fine of three sixteenörtugs.

## 20.

Someone mows another man's meadow, comes he there, who owns it, he shall take a willowtwig, bite off the bast and so push it into the ground. That is legal prohibition. He cannot remove it, without becoming liable to a fine of three sixteenörtugs. There he shall lay the hay in a heap on the meadow, until they are agreed.

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<sup>1)</sup> This sentence is evidently incomplete, but the rest is missing both here and in V. G. L. II.



## HURU MIULNU SKAL GÆRA.

*How a mill shall be built.*

A man wishes to build a mill, he shall not build in such a way, that he destroys another's property, either field or meadow or men's roads, or the neighbor's walks, or their mill, which was built before, or fishing works.

1. A fishing place shall not be built in such a way as to destroy an older one. It is not allowed to fish in another's dam, if he does not permit, who owns it, nor in another man's ditch.

2. A mill lies vacant three winters or more than three winters, is the timber rotten, then has anyone, who may wish a right to take it. Does the one, who owned the mill, say that the woodwork is not rotten, testify with two twelfths, that the floodgates stood, and the posts, and the threshold lay there and also the waterchannel support. A man always owns a mill, while the woodwork is not altogether rotten. That man owns the millplace, who first builds thereon, whether it be on the land belonging to the state or to the neighbors.

3. Persons dispute about the millplace, each says, that he owns it, an inspection shall be made. The law shall be on his side, who has the largest number of witnesses. Have both just as many witnesses, then the state shall appoint a commission of inspection and decide between them. 1)

4. Someone builds a mill in water belonging to several owners, owns another man land on the opposite side, then shall he let flow one third of the water, but two parts he may dam up, not over to the land on the other side unless he gets, by legal contract and survey, a place for his dam there.

3. If the neighbors fence in the common in front of the mill doors, then he shall demand a road for himself. 2)

They shall lay out such a road for him. If someone does not, they divide the land according to law, another gets on his lot the land in front of the mill-doors, then his mill is useless,

6. Someone builds a mill on his land, lies the village common opposite on the other side, does another village own it, then he shall buy a place for his dam from them, who own the land in that village.

7. Water shall not be turned out of its former course to another man's injury in any other way, than it has formerly flowed.

8. Land can not be received as a gift.

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1) The manner of procedure in cases of this kind is fully described in I. B.

2) Portions of the text have evidently been left out in this paragraph.

## DÆTTA ÆR ÞIUVÆ BOLKÆR.

*This is the code on theft.*

A man accuses another of having stolen a horse or other animal, and is the animal brought back injured or sprained, the thief shall pay for it, if he fails in his evidence, with sworn oath and full thief fine.

## 2.

Father and son steal, are caught in the act, father shall hang and son, if he is of age.

1. A steward and a slave go to steal, the steward shall hang and not the slave.

## 3.

Someone catches his thief and also the stolen property, bind the hands of the thief on his back and lead him to the thing, with two witnesses, who testify at the thing, that he is a true thief, and with twelve men go to swear at the thing, that he is fully a thief, hence he deserves to loose his life. Thereupon he shall be condemned to beheading and hanging, to killing and death, to turf and to tar, without rights for heir and plaintiff, as well before the church as before the king.

1. A thief is caught on the road and not by the one, from whom he has stolen, then he shall lead the thief with himself home, and send a messenger to the one, who has been robbed. Has he caught his true thief, take one mark for thief and two öre for the stolen goods. If he, from whom property is stolen, says, that this stolen property is not his, neither the thief, let the one who has the thief in his possession, bring him to the thing. Let him be judged from there to the king's estate. 1) The freeholder parts with the thief guiltless at the thing.

2. Catches someone another man's thief on the road, and not his own, lets him loose contrary to law, then he will be considered partaker in the theft.

## 4.

Thus it is stated in the law, that thieves are three: One is he who steals and takes away, another brings the goods into the hands of the thief, the third receives it. They are all guilty in the same degree.

1) Konungsgarþ: King's estate. The place where the king's bailiff lived, who could do what he pleased with the thief.

1. There are three conditions under which a thief may not defend himself by oath:

One, if he is found with the goods stolen in his hands, second, if it is found in his house, third, if it can be proven, that he had brought it inside of his fence and gate. He can never clear himself.

2. There are three ways in which a thief may defend himself: One, that, "I did not steal thy goods, and I did not make myself a thief on it," second, that, "I did not bring thy goods into the hands of a thief," third, that, "I am not thy receiving thief" 1), and defend himself as is said.

5.

Someone is robbed, follows the track, sends a message cylinder 2) in his steps, first the village shall be searched. He shall call on the neighbors. They shall go along. The track leads not out of the village, then they shall make a house-search. The neighbors shall first go into his house, whom they most suspect. He shall be called out, and housesearch demanded. The freeholder shall not refuse housesearch, if he is at home himself. He shall open up his dwelling houses, that is granary, pantry and bedrooms. These three are dwelling houses. But other houses, both stable and barn, are called outhouses, though there be lock on them.

1. The freeholder shall now open the houses. Now the freeholder, who has lost the goods, and another with him, in whom they both have faith, shall enter, they shall both be bareheaded and ungirdled, and barefooted, with breeches tied at the knee, and so enter. They shall search these houses. If he finds his goods in there under lock and key, is it covered by straw, then the owner of the house is the thief. Then they take this thief lawfully, because he is a true thief and never can he clear himself by law from this accusation. Will he acknowledge himself to be a true thief, then shall the freeholder, who brings in complaint, have a right to take fine for his loss, and his own goods back, and beyond that as much as the law prescribes. Then the freeholder may lawfully settle with him, though not sooner than before the county judge, if he does not obtain security for himself.

Pay fine for his crime to land and king as the law says. Will he not acknowledge, then shall the hands of the thief be bound on his back, and he be brought to the thing. If he is let go any sooner, there is a fine of forty marks. A man takes a bound thief by force from someone, then he shall refer to the

1) Vipærtakær piuvær: One who receives stolen goods in order to hide it.

2) Bup kæfli: Message cylinder. A round stick or other object, on which messages of information were written.

nearest man as witness, and in the nearest village, that he was robbed of his thief, and therefore is the other one guilty of a fine of forty marks.

2. Now if stolen goods is found in a closed or locked vessel, trunk or chest, to which the housewife has the key, then the housewife is thief. The freeholder will not pay the legal fine, then shall the housewife be arrested, and her hands bound on her back, bring her to the thing before all the Goths or before the county. Then if the freeholder wishes to free his wife by fines according to law, then shall the woman be let go, because a woman is a minor. She must not be beheaded nor hanged except for witchcraft.

## 6.

A freeholder goes to seek his property, he is refused housesearch, then shall he demand it in the presence of witnesses, because he dares not refuse him housesearch, if he is himself at home. If he refuses him housesearch, then he draws suspicion on himself for the theft. Then the case shall be referred to the neighbors as witnesses, that "now is housesearch denied". Then the freeholder calls him his thief, because he refused housesearch. Now the accused says no thereto, then the freeholder shall report to the judge. He shall set a thing and appoint a jury, and ask him, why he refused housesearch, if he claims not to be his thief. He is guilty of three sixteenörtugs.

3. Now the fine is paid for refusing housesearch. But that case stands open, that he is called thief. He shall defend himself with two twelfths and four men's foreoath. 2) Fails he, pay fine as law says.

## 7.

Now as to the outhouses. He who has lost property brings complaint. "Thus it came there, that thou or thy servants, whose cause it is thy duty to plead, caused it." Then that freeholder is in duty bound to prove. Swear with two twelfths and four men's foreoath, that "that came there neither with my knowledge or action, nor with their knowledge or action for whom I am responsible. It was brought there by someone else, and I caused not that theft."

1. Does one freeholder accuse another of carrying stolen property into his houses, defend himself with two twelfths.

## 8.

A man finds his animal, then he shall ask security for it. The freeholder can not refuse security without incriminating himself. Then shall the freeholder ask security for goods stolen by a thief. Then a seventh-night-thing

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2) Forepa: foreoath. An oath, which was to be followed by another, sworn by several men.

shall be set for him, who gave security, and hold it for him, who has the horse in his possession.

1. A stolen animal shall be led to the third seller.<sup>1)</sup> From the third seller he shall redeem his property, or swear with twelfth-oath and two men's testimony "that it was born at home and there sipped and sucked milk out of mother's udder, and I own and thou not." Dares he not swear thus, then he shall go forward, who has recognized his property and swear with twelfth-oath and two witnesses, that "this animal was stolen from me, and nowhere did I recognize it before here, and I own and thou not."

## 9.

A man finds his animal on the public road, then shall he, who has it in his possession, obtain for it road security<sup>2)</sup> from those living near, for seven nights to house and home. Then he shall come after, who has recognized his own. He shall then ask sequestration security<sup>3)</sup> for it from a property owner. He places it in security as stolen property, then shall the other redeem it there, where it is found, unless he takes the oath of homeborn.<sup>4)</sup> The one who has the sequestered animal, shall bring it forth. Is it not brought forth, then sequestration has not been lawfully performed, and he is liable to a fine of three sixteenörtugs or defend himself with twelfth-oath and two men's testimony.

## 10.

A man recognizes his animal in the possession of another man. This one, who has it in his possession, claims to have borrowed it, then he, who claims to own, shall go after it and ask security for it from him, who has it in his possession. He can not refuse without incriminating himself. Does he sequester for robbery, then the other one shall redeem it, where he finds the same, or defend it as homeborn. A seventh-night-thing shall be set for it, to redeem with lawful witnesses, if the former does not complete legal defense for it.

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1) Dripi sali: Third seller. The third possessor counted from him, who now had the animal in his care, and who was called the first seller. The second seller was he, with whom the animal was found, and the third seller was the one from whom the second seller said, that he had bought the animal.

2) Brötær tak: Roadsecurity. A person's security for, that something found on the public road should after seven days be produced at his home.

3) Kvarsetu tak: Sequestration security. Security given, where someone found something with another, that had been stolen from him (the finder) and a third person became responsible for, that it should be brought forth at the thing.

4) Fylsvat: An oath to prove, that the animal had been born and raised at someone's home or farm.

## 11.

Legal securities are three: The first is road security to home and to house. The second is sequestration security with him, on whom they both agree. The third is law security,<sup>1)</sup> before land and lawman. That one freeholder cannot refuse another without incriminating himself.

## 12.

A man places his animal in sequestration, says he, who has it in his possession, that he bought it from a foreigner, and is the salesman<sup>2)</sup> a countryman, then he shall set a seventh-night-thing for him, who has the animal in his possession. He shall notify his seller. He arrives, wishes to prove it homeborn, that he has a right to. Comes he not, then shall he prove it to be his by twelfth oath and two men's testimony.

1. Are they both foreigners, who have contracted a sale with each other, then they shall arrange a fortnight meeting. Let all come to that landboarder, which is nearest the seller, the salesman and he, who has the animal in his possession, and the plaintiff, there it shall be defended as homeborn or legally redeemed.

2. If one from our land and another from beyond Kiægglan<sup>3)</sup> or from Denmark trade with each other, then shall a month meeting be announced, the animal be led to the landboarder, and one of two things be done: redeem it according to law, or defend it he, who has it in his possession. Such law and right as foreigners make for us, such will we make for them.

## 13.

A man loses his animal, buys it back and recognizes it not then, does so later, then he shall inform his salesman. Bring the animal to him, who sold it to him, and bring complaint in regard to the animal, which was paid for by mistake, and then lead it to the third seller. There he shall take the oath for homeborn or redeem it according to law. One of our countrymen recognizes his animal in another country, or a foreigner in our country, then a seventh-night-thing shall be set and redeem his animal with three men. One shall be he, who brings complaint in regard to the animal, another from his country

1) *Skjælae tak*: Law security. Security for something, the ownership of which was disputed, while the case was referred to the lawman for investigation.

2) *Vin*: Mediator at a marriage or a sale, hence in the second instance salesman. A third person, who should be present at certain business transactions.

3) *Kiægglan*: A forest between Närke and Västmanland.

with him. The third shall be from that land, in which he has found his animal. He, who has it in his possession, shall give it up because of this evidence, if he does not wish to defend himself with twelfthoath, that on his farm, "there was this animal homeborn, and therefore I own him and thou hast not any part therein." Dares he not swear to this, then the other shall prove this by three men, that he owns that animal "and thou not". Lead it to the third man, or pay fine according to law.

A man finds another man's animal in a thief's halter or drives the thief off, then he shall make it known as the law says, and clear himself from theft. Comes he after it, who has recognized it as his own, then he shall step forth with a twelfthoath and two men's testimony. Ask the gods so to help him and his witnesses, that "I found this animal in a thief's halter or I drove the thief off, therefore am I worthy of lawful findingfee, and I made it known to the first man I met, and in the nearest village, and at the third thing, therefore am I worthy to be free from theft". Then he shall go forth, who has recognized his animal and swear, that "this animal was stolen from me, and nowhere did I recognize it before here, and I own and thou not". Then he who has redeemed his animal, shall pay two öre for a horse as findingfee, if he finds him outside the county, and one öre if he redeems him within the county, and not more even if they are more than one about it. 1)

## 15.

A mare is stolen and is not with foal, becomes afterwards with foal, another happens to buy the mare, the owner happens to find his property, he shall sequester it, and set a seventh-night-thing, and redeem his property according to law, if the other does not take the oath of homeborn. He shall own the colt, on whose farm it was born.

## 16.

A man steals another man's slave or slavewoman, runs away, he pursues, who owns them, gets his property back, and leads it up to him, whom he calls thief, to yard and to gate, with such evidence, that he is not able to clear himself from the accusation of theft according to right law, to him he shall pay for that case of theft, eight örtugs less than four marks, the same to the king and the same to all men.

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1) Ok eigh þy mære at flere se æn en mæþer a: and not more even if they are more than one man about it. The expression admits of two interpretations. One is that *flere* refers to the owners of the horse, that they were several, and on account thereof a larger sum might be expected, and the other that the finders were *flere* and could therefore each expect finding fee. The last seems to be the one which the context suggests.

## 17.

A man finds his slave or slavewoman, says they are stolen or robbed from him, then he shall sequester them. Then he shall set a seventh-night-thing for the one with whom they were sequestered. Bondsman at the seventh-night-thing shall be he, who has the person in his possession. He has right to prove, who has them in his possession, if witnesses be had. Prove them homeborn, by twelfth oath and two men's testimony. Ask the gods so to help himself and his witnesses, that "I raised him at home in hedge and household. There he sucked and sipped milk out of mother's udder, he was wrapped in swaddles and placed in the cradle, therefore I own him and thou not." Fails he, then shall he, who has sequestered his property, swear with twelfth oath and two men's testimony, that "this man or woman was stolen from me or robbed, and nowhere did I recognize him before here, and I own and thou not."

## 18.

A man captures his runaway slave or slavewoman, then he shall announce as the law says. The owner shall pay findingfee for it. Two öre within the borders of our land and half a mark outside. Prove the person to be his, as law is.

## 19.

A slave and slavewoman shall be bought and sold through a salesman. A freeholder is asked to be his salesman, who sells, and his who buys, then he shall buy and sell, who is asked to act as salesman. The freeholder shall be responsible for the seller of a slave or slavewoman to the buyer one month, the nearest for epilepsy, but for a breach of peace always.

1. Therefore a salesman shall be used at all sales, that he may free from theft at all sales. One calls the other a thief, then shall the salesman testify and the two together with twelfth oath, that "I bought this animal with a salesman and with witnesses in such manner as the law says, and hence I did not cause that which thou accusest me of.

2. Horses and cattle, hoofed beast and horned beast, cut cloth and hilted weapon, these shall be bought and sold with a salesman and witnesses. Unhilted swords and uncut cloth, and all that which lies in the booths, and that which is bought on the market place in the booths or outside, if someone complains of that, then he shall have two men's testimony, that it was a proper market bargain, hence he is not thief on account of that buying.

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## ÞÆTTA ÆR FORNÆMIS SAKIR.

*This treats of Unlawful acts.*

### 1.

There are many kinds of unlawful acts. One is this, that a man takes another man's beast of burden out in the pasture without permission, and drives or rides with it, then he is guilty of a fine of three sixteenörtugs.

### 2.

A man cuts down without permission an oaktree, that bears acorns, then he is guilty of a fine of six öre. He cuts down three or more than three, then it is a case of three sixteen-örtugs. Cuts he down young trees, then it is a case of eight örtugs, unless the forest is placed under county protection. Then he shall pay a fine of three sixteenörtugs.

1. One man meets another, who has timber loaded, he brings complaint against him and claims the timber to be his and asks him to drive to the stump, then he shall go with him. If he is guilty of the offence, pay eight örtugs to the plaintiff alone for a young tree, and six öre for a fruitbearing tree. If he refuses to drive to the stump, then it is lawlessness.

2. A man catches someone in his forest, a slave or hired man, take from him the ax, or that beast of burden, which is on the farther side. 1)

A man catches a freeholder or his son at the stump, then he owns the timber, who owns the land. Take away the timber from him lawfully. Afterwards bring accusation against him for cutting in the forest, if he wishes.

3. A man drives through another man's forest, breaks the axletree or sledrunner, cut lawfully both.

### 3.

A man takes away a horse or ox, wagon or sled, ship having a rudder, milks another's cow on a working day during harvest time, all these are unlawful acts. The fine for these shall be six öre. One öre for a rowboat, two for a towboat, half a mark for a seven-oar-boat. One örtug for a rake, for two, two örtugs, for three or more than three, that is unlawful act, six öre.

### 4.

A man drives over an uncut meadow or a field after it has sprouted, pay a

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1) As the driver used to go on the left side of the load, which is yet the custom in Sweden, the farthest animal was the one on the right side.

fine of one örtug for each wheel. Drives a second time, pay a fine of three sixteenörtugs, because then it is called manuretrack.

## 5.

A man takes away another man's fence, pay a fine of three sixteenörtugs. A man takes away another man's timber, cut in the forest or elsewhere, pay three sixteenörtugs, if he fails to prove his right.

1. He who moves his fence from a field before it is harvested, reimburse for all the injury, which is done thereby and beyond that three sixteenörtugs to him alone, who suffers the loss, not to the king and not to all men.

2. A man tears down another man's fence, a freeholder suffers loss thereby, he who broke down, pay eight örtugs, or he who owns, if he does not find him, who tore.

3. Cattle jump into a field over a fence, that is whole, he who owns the cattle put up as much as he wishes, and swear then with a oneoath, if less damage is done than a fieldload. Claims the other one, that the damage is greater than one fieldload, then pay back one fieldload and not more, even if the damage is greater.

## 6.

A man takes away taken-up-cattle from a man or a woman, pay three sixteenörtugs, or defend himself with twelfth oath. Taken-up-cattle one shall drive away from a man and not take.

1. A man finds another man's cattle on his field, announce it as other theft. The one, who owns the animal, acknowledges it to be his, redeem it as other taken-up-cattle.

2. A man tethers his horse on another man's field or meadow, pay a fine of three sixteenörtugs, or defend himself with twelfth oath.

3. A man keeps his cattle in another man's private inclosure, with dog and with herdsman — three or more than three 2) — then he shall defend himself with twelfth oath. Then, if he fails, pay a fine of three sixteenörtugs.

4. A man ties his animal during daytime and it gets loose, a block or a fetter is on it, goes it into someone's field and is taken up, then redeem it by his oneoath.

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2) The words 'III ællær III flær' are not found in Noreen's edition, but are given by Schlyter as well as Vendell with the note, that it perhaps is a marginal remark.

## FORMÆMIS BOLKÆR.

*The code on unlawful acts. 1)*

All outfences 2) and gates should be closed and in good condition on Ascensionday. Lies the gate broken, that is a case of six öre. One öre for an only opening on the outfence, eight örtugs for a homefence. 3)

## 2.

A horse rolls, a hog roots on a sprouted field, pay back such seed as has been sown one bushel for each third weltering or rooting.

## 3.

A grass-sitter 4) dwells on someone's estate, shares ownership neither in fences nor gates, neither meadow nor field, then he has no legal right to have anything quick outside the fences, without making himself liable to a fine of three sixteen-örtugs.

## 4.

A tethered animal cannot be kept in a field or meadow without permission, without the owner becoming liable to a fine of eight örtugs to all neighbors.

1. The priest has a legal right to have a horse on the common, because he shall ride out into the parish, if there are sudden summons to give the freeholder the Lord's supper or the extreme unction.

## 5.

A man buys cattle from an infected village, drives home without permission of the neighbors, then shall whosoever finds the animal cut it down.

## 6.

Fodder cattle, and hired cattle, sequestered cattle and pawn cattle, these shall be guarded against all injury by hunger and halter, mountain and bridge, water and mire, wolf and thief. These are all injuries because of carelessness. For all of them shall fine be paid with twelfth oath.

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1) It is evident, that this and the foregoing codes belong together, and they have originally, no doubt, had the same heading. The separation of the latter from the former was perhaps caused by the circumstance, that its first paragraph begins with a capital letter.

2) Utgarþær: Fences about land lying separate from the estate itself.

3) Bolgarþær: Fences about the house and yard of an estate.

4) Græssæti: Grass-sitter. A person living gratis at somebody's home or farm.

1. For unforeseen dangers, from cause beyond man's control, one shall not answer. These are such causes: Lightning, fire, robbery, bear, poison, and plague. 1)

## 7.

A man finds a swarm of bees on another man's meadow, agree they, then he owns one half, who owns the land. Is there a dispute, then has that one right to prove, who owns the land. Swear with twelfth oath and two men's testimony, that "this swarm which thou claimest, I noticed sooner than thou, therefore I own and thou not."

1. He owns hare, who catches, he owns fox who starts, he owns wolf, who kills, he owns bear, who slays, he owns elk, who fells, he owns otter, who out of river takes him.

2. He finds a swarm of bees, who has lawful ownership in the forest, have the whole swarm. An oaktree must not be cut down without the permission of the neighbors.

3. A man finds falcons in his forest, or on the common, binds bands about their feet, no one may take them away without becoming liable to a fine of three sixteenörtugs.

## 8.

A man takes the bark off an acornbearing oaktree in another's forest, that is a case of six öre, if he can not defend himself by oath. A man takes the bark off from three or more than three, that is a case of three sixteenörtugs. Takes he the bark off from young trees enough for a load of wood, that is a case of six öre. Does he take the bark off from enough for three loads or more than three, pay a fine of three sixteenörtugs. Says he nay thereto, then shall a seventh-night-thing be set for him. Defend himself with twelve men.

## 9.

A man sets fire to another man's hay out on the meadow, that is trespass, complaint shall be made against him at a seventh-night-thing. Then he shall defend himself with a twelfth oath and two men's testimony, that "I did not put fire to thy hay, and I am not guilty of that, for which thou bringest complaint against me."

1. It is the same way with reference to all similar cases, if someone puts fire to a mill, or fishingdam, brushfence, bridge, or timber, cut in the forest.

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1) *Stingær ok starvi*, are said by Schlyter to be names of dangerous internal ailments, and they are translated by J. S. Carlson as above: Gift och pest, or poison and plague.

That is all trespass. That shall be paid for by sworn oath, that it was not better, and besides this three sixteenörtugs.

## 10.

A wild beast takes cattle from the herdsman, gets he not remnants from it, let him lose as much of his hire, as he should have for that animal. If he gets remnants, then he is not at fault. An animal lies in the mire dead, then shall the herdsman stick his staff by it, place his hat under its head, or his cloak, or break brush and place under it. They shall testify, that carelessness has not been the cause.

## 11.

Legal meetingdays are two: Easter and Michaëlsmass. A man engages a manservant, if this one does not come to his table, then it is his right to prove with twelfth oath and two men's testimony, that "I did not hire myself out to thee, and made no agreement with thee." Dares he not swear thus, pay as large a fine as was promised to him. He goes to his table, eats supper and breakfast, then he cannot free himself by oath. Pay as large a fine as was promised to him, and pay as fine besides three sixteenörtugs. Whoever keeps his manservant after the freeholder has entered legal complaint, shall pay a fine of three sixteenörtugs.

2. The freeholder shall lose just as much, if he drives a manservant from his home and table.

Let the all-detestable-one make himself angry. 1)

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1) Gæri hvemlepær sik vrepæn: Make the all-detestable-one himself angry. This last statement is difficult to translate and much has been said about it. It seems clear, however, that it is not a part of the last paragraph, but rather a closing sentence, a general summary. Otman translates: Göre den hvarjom-lede sig vred, and J. S. Carlson suggests a somewhat free translation: Detta är lagen och se'n göre satan som han behagar. I. e. this is the law whether it pleases the devil or not. This threat closes the law proper, what follows is of a later date. Other laws close with prayer, this one ends by a defiant and scornful challenge to the evil one, showing a strong belief in the power of good, and a firm conviction that right and justice will finally triumph.

## ÞATTÆ ÆR LEKARA RÆTAR.

*These are players rights.*

A player 1) is thrashed, that shall always go unpunished. If a player is wounded, he who goes about with a jew's harp, carries a fiddle or a drum, then they shall take a wild heifer bring her up off top of a hill. 2) Then one shall shave all the hair off her tail and grease it. Then he shall be given newly greased shoes. Then the player shall grasp the heifer's tail, someone shall strike hard with a sharp lash. If he is able to hold, then he shall have that good beast and enjoy it as dogs grass. 3) Is he not able to hold fast, have and endure, that which he received, shame and injury. Let him never expect more right to fine, than a whipped slave woman. Always has the defendant right to free himself by oath, and the nearest of kin right to inherit.

It is plain that this code is quite different from the foregoing part of the law. It is found in the oldest manuscript, but left out in the later V. G. L. II, perhaps because it is too playful and mirthful, as compared with the solemn and stern character of the law itself. The vagabond character of these tramp musicians very likely gave the sturdy and earnest Westgoths ample reason for such treatment as this law prescribes.

## HÆR SIGHÆR AF LANDAMÆRUM.

*Here is told of the land boundaries. 4)*

Edmund, goodfornothing, was king at Upsala, and Sven, forkedbeard, in Denmark. They placed landmarks between Sweden and Denmark. 5) Then were appointed from Sweden: Kakaldi from Tiundalund, Botn from Fjädrundaland, Gasi from Västmanland, Grimaldi from Östergötland, Nœnnir from

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1) Lekari. A travelling clown or street musician.

2) Bæsing: Hill. A small hill or mound. The common and everyday name of such hill on "Larf's hed" the plain of Larf is called, "Larfva bæsinge."

3) That is, not have any good of it, but do as a dog, when he has eaten grass, vomit it up.

4) Schlyter and others have as heading for this code: Þattæ är conongs bolvær: this is the king's code, which is shown to be spurious and does not fit the code. Codex II: has the superscription, which is here used.

5) This meeting was held about the year 1060. The kings, who took part in the festivities, were: Edmund goodfornothing of Sweden, Harold hardruler of Norway and Sven Estridson of Denmark.

Småland, Thorsten from Västergötland. From Denmark: Tolle from Jutland, Toti and Toki from Jutland, Grimkel from Sjöland, Dan from Skåne, Grimitun from Halland. These twelve placed six stones between the kingdoms. The first stone on Suntru ridge, the second, in Dana creek, the third, the Kinna stone, the fourth, on Vraksnäs, the fifth, the White stone, the sixth, the Brimsa stone between Blekinge and Möre.

Dana 1) Island is divided into three parts. One part is owned by the king of Upsala, the other part owns the king of the Danes, and the third part the king of Norway owns. When they held the meeting the king of the Danes held in the bridle of the Upsala king's horse, and the Norwegian king held in the stirrup.

## HORO ÞINGLOT SKAL SKIPTÆ.

*How the thing fines shall be divided.*

Here is told how the thing fines 2) shall be divided among the districts at all men's thing.

Vadsbo 3) that is a whole district. Take just as much one man as the other. Kinda county is half a district, Valla and Kåkind counties half a district, Valla county takes two parts and Kåkind a third.

Gudhem district. Gudhem and Frökind counties is a district, Frökind county takes one fifth and Gudhem four fifths. Vilske, Ås and Mark counties are half a district. Mark takes two fifths and Vilske and Ås divide equally the rest.

Lung district shall part in thirds. One part is Als, Barne and Laske counties. Barne takes two parts and Als and Laske three. Another third is Gäsene, Veden and Ballebygd counties.

Veden and Ballebygd take one fifth, and Gäsene four fifths. Then Ballebygd takes one fifth with Veden.

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1) A little island in Dana Bay near the harbor of Gothenburg, Sweden, where this meeting took place.

2) Fines that belonged to the state and at the thing of all men were divided among the different counties, and then perhaps distributed by the county thing among the citizens.

3) The proper names are spelled according to the present day orthography.

The third third of Lung district is Kullings county and all the outlands. 1)

Now Ås district begins. Skånings county is half a district. Åse, Viste, and Norddal county half a district. Norddal takes one eighth, then Åse two parts and Viste a third. Here the people from Skånings county take the Dalpeoples 2) part, because they shall put up roofing and lay shingle roof on the Mary's church at Skara. 3)

Now Holasjö district begins. Ale and Björke counties is half a district. Flundre and Väne counties is half a district.

Now Skålands district begins. Kållands county takes two parts and Vedbo and the whole of Sundal county one third.

Now Wartofta district begins. Wartofta county half a district. Redväg and Kind half a district, take each one half.

First these districts divide with five. Wartofta, Gudhem, and Lung, these three take one half with the five. 4)

## BISHOP BRYNIOLE'S STAPVE.

### *Bishop Bryniolf's Ordinance. 5)*

Bryniolf, with the grace of God, bishop of Skara, sends all men, who see this letter, God's greetings, and fatherly blessing.

All men should know, that, concerning the disagreement existing within our diocese with reference to the privileges of the church, that our lord king Magnus with the assent of our chapter decreed in the following way.

1. Graintithe, and that of every kind of growing produce and of cattle, shall be fully given. Is someone accused of, that he is at fault with respect to the whole tithe, either that to the bishop, or the priest, or the church, or the hospital defend himself with seven jurymen. Fails he in this, then pay to the

1) Utlandin: Outlands. Thus the four counties Vätile, Säfvedal, Åskim and Hisingen, situated on the south side of the mouth of Göta Älf, were called.

2) Dalbo lot: Dalpeople's share. The people of Dalsland.

3) Skara. A city in Västergötland.

4) This implies that there should be eight districts, whereas only seven can be found in the text. The only explanation, that can be given, is, that Dalbo, which has no share for reasons above stated, was the eighth district.

5) Cod. A. has no superscription to this, but the heading above used is supplied from codex. II.



plaintiff sixteen örtugs and out with the tithe. Is some one accused of, that he keeps back a part of the tithe either to the bishop, or the priest, or the church, or the hospital, or the dean's fee, or the Falköping's bushel 1), then defend himself with himself 2) and his neighbor and his jurymen. Fails he in this, then pay to the plaintiff eight örtugs and that part of the tithe, which he kept back. And this same kind of defence do we understand to apply to all kinds of tithes, except the poor people's share, which the freeholder shall keep and give to the poor.

Is it so that no part of the tithe is paid before Easter Eve, then pay to all plaintiffs one sixteenörtug, and out with the whole tithe.

2. With reference to headtithe it is thus decreed, that whatever man, who does inherit after his father or mother a whole farm, he shall give headtithe after the third crop. Inherit several a whole farm and wish to live together, then they may remain there in three years, and then give headtithe. If anyone of them wishes to leave before the three years are out, then give headtithe of his property, as soon as there is a division. Do they all wish to part, then give headtithe, except a young girl. Tithe not before she is married.

Some one inherits personal property, then give headtithe as soon as he inherits, and not again from that property except if the church is to be consecrated ten years thereafter.

By this we mean the men, who are landowners, and not tenants, who are not asked to tithe at church consecration. A woman shall give headtithe, when she marries, and a male person not before he is fifteen years old.

A man takes himself a lawful wife, they shall give headtithe after the third crop from the property they then possess. Do they inherit after father or mother, then pay tithe as above said.

3. Whatsoever man, who injures or kills at these assemblages: in Skara on Moundy Thursday, at the clerical meeting on our Lady's birthday, in Falköping at Botulf's mass or Pankrat's mass, in Sköfde 3) at Hellen's mass, on the true church road, whether on home journey or departure on that day, on which the church is consecrated in the church village, then pay as fine ten marks to the bishop.

Whosoever wounds or slays in the church yard because of his illwill, pay a fine to the bishop of three marks. Does he do it in the church, pay the bishop

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1) Falköpings bushel: A bushel of oats or barley, which should be contributed by each freeholder yearly to the church of the city of Falköping.

2) Være sik med sik: A construction found nowhere else in this law, and which shows, that this code is of considerably later date, than the law proper.

3) Sköfde: A city in Västergötland.

nine marks and become not a citizen before the bishop prays for him, and thereafter he shall pay as fine twenty marks to the bishop. And this prayer and penance do we wish to be observed also in these two next cases.

4. About the persons, who desecrate holidays is thus decreed, that whosoever works on Easter Sunday, Ascension day, Whit-Sunday, Christmas Day, New Year's Day, Epiphany Sunday, any one of our Lady's days, any Apostle's day, Midsummerday, St. Laurintz's Day, St. Michael's Day, All Saints' Day, then pay to the bishop a fine of eight örtugs in current coin.

5. A married man sins with an unmarried woman, pay to the bishop twelve öre. A married man sins with another man's wife, pay to the bishop nine marks. For incest between brother and sister, or cousins on the mother's side, pay nine marks. For incest between relatives in the third or fourth generation, pay twelve öre.

Whosoever sins against nature, pay to the bishop nine marks.

6. With the consent of the Canons do we establish this rule, and by the authority of privileges accorded the church before our time, and to this end is our seal and the seal of our chapter affixed to this letter.

Given under my hand in the year of our Lord twelve hundred and eighty-one.

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It is clear that this ordinance is written in a language quite different from the rest of the law. The peculiar constructions and easy flow of the language evidence a late date.

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## VÆSTGÖTA KYRKIOR.

*The Churches of Västergötland.* 1)

In Wadsbo county, fifty-three churches; in Valla, twelve; in Skånings, twenty-three: in Kåkind, fifteen, Gudhem county has twenty-five; Wartofta, fifteen; Redväg, twenty-five; Vilske, twelve; Frökind, seven; Ås, seventeen. Mo county has twelve; Kind twenty-nine; Mark, twenty-four; Veden, eight and Ballebygd, three. Gäsene county has twenty-three; Kinda, twenty-eight; Kållands, twenty-seven; Al, four; Barne, fifteen; Viste, ten; Åse, eleven; Flundre, five and Björke, five. Laske county has eight; Kullings twenty-four: Vätle, five, Ale, ten, Säfvedal, four; Askim, five and on Hisingen 2) are two churches.

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1) The superscription is added by late hand in the sixteenth century. In cod. B. this part comes immediately after pinglot. In cod. G. where this part is written in Latin, it carries the superscription: Numerus ecclesiarum terre Wesgosie (Schlyter).

2) Hisingen: An Island near Gothenburg.



## ERRATA.

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Here are noted some of the misprints that are most misleading. Lesser errors the reader will please correct.

Page 37. Line 12 from top of page the word "oath" at the end of sentence should be left out.

Page 37. Line 11 from bottom of page the word "and" after "tried" should read "on".

Page 40. Line 1 from top of page the word "or" after fine should read "of".

Page 40. Line 3 from bottom of page the word "stjols" should read "stjæls".

Page 47. Note 1 at bottom of page should be attached to the word "ale-feast" in paragraph 4, and note 2 at bottom of page should be inserted in place of note 1 after "black hit", paragraph 5.

Page 72. The number 3 in the eleventh line from the bottom of the page should be 5.

Page 78. The section beginning: "A man finds" should be numbered 14.

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